

## **MONDAY, APRIL 30, 2012**

The hour of 1:00 p.m. having arrived, a quorum of the House was not detected, which had been set for the House to reconvene, and a quorum of the House was not detected.

### **MOTION TO CONVENE PASSED**

Representative Lollar, pursuant to the House rules, moved that the House convene on Monday, April 30, 2012, at 2:30 p.m. The motion by Representative Lollar was properly seconded. Without objection, the motion for the House to convene on Monday, April 30, 2012, at 2:30 p.m. prevailed.

Insofar as there was not a quorum, and a motion had been made and carried by the majority of the members present, Madam Speaker Harwell declared that Monday, April 30, 2012, at 2:30 p.m. be the date and time set for the House to convene.

The hour of 2:30 p.m. having arrived, which had been set for the House to reconvene, and a quorum of the House was not detected.

### **MOTION TO CONVENE PASSED**

Representative Niceley, pursuant to the House rules, moved that the House convene on Monday, April 30, 2012, at 4:00 p.m. The motion by Representative Niceley was properly seconded. Without objection, the motion for the House to convene on Monday, April 30, 2012, at 4:00 p.m. prevailed.

Insofar as there was not a quorum, and a motion had been made and carried by the majority of the members present, Madam Speaker Harwell declared that Monday, April 30, 2012, at 4:00 p.m. be the date and time set for the House to convene.

## **MONDAY, APRIL 30, 2012**

### **EIGHTY-THIRD LEGISLATIVE DAY**

### **RECESS EXPIRED**

The recess having expired, the House was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Representative Faison.

Representative Faison led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 95

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Camper; personal

Representative L. DeBerry; personal

Representative Tindell; personal

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 1157** Rep(s). Haynes, Hall, Dunn, H. Brooks, Niceley, Armstrong, Hawk and Keisling as prime sponsor(s).

**House Joint Resolution No. 1163** Rep(s). Hardaway as prime sponsor(s).

**House Joint Resolution No. 1173** Rep(s). L. DeBerry as first prime sponsor(s).

**House Joint Resolution No. 1174** Rep(s). L. DeBerry as first prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3839: The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3835: The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar No. 2 for April 30, 2012:

**House Resolution No. 305** -- Memorials, Recognition - Mary Alice Johnson Gandy. by \*Miller L.

**House Resolution No. 306** -- Memorials, Personal Achievement - Kevin Jones, Eagle Scout. by \*Brooks K.

**House Resolution No. 307** -- Memorials, Death - Lillian Marie Johnson Loggins. by \*Turner J.

**House Joint Resolution No. 1156** -- Memorials, Personal Occasion - Rebecca Evans Johnson, 80th birthday. by \*Swann.

**House Joint Resolution No. 1157** -- Memorials, Professional Achievement - Dale Keasling, Junior Achievement of East Tennessee Business Hall of Fame. by \*Matlock.

**House Joint Resolution No. 1158** -- Memorials, Death - Mary Alice Johnson Gandy. by \*Miller L.

**House Joint Resolution No. 1159** -- Memorials, Recognition - Kimberlee Morton. by \*Parkinson.

**House Joint Resolution No. 1160** -- Memorials, Academic Achievement - Tojuan Reed. by \*Parkinson.

**House Joint Resolution No. 1161** -- Memorials, Retirement - Colonel Bishop Mays. by \*Parkinson.

**House Joint Resolution No. 1162** -- Memorials, Personal Achievement - Kevin Jones, Eagle Scout. by \*Brooks K.

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**House Joint Resolution No. 1163** -- Memorials, Recognition - LeMoyne-Owen College Sesquicentennial. by \*Turner J.

**House Joint Resolution No. 1164** -- Memorials, Retirement - Norma A. Mathis. by \*Windle.

**House Joint Resolution No. 1165** -- Memorials, Academic Achievement - Taylor Morgan Thomas, Salutatorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1166** -- Memorials, Academic Achievement - Kristen Mikayla Ray, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1167** -- Memorials, Academic Achievement - James W. Kemp, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1168** -- Memorials, Academic Achievement - Michaela Marie Briley, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1169** -- Memorials, Academic Achievement - Hannah Ruth Borders, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1170** -- Memorials, Academic Achievement - Kelsey Gregory, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1171** -- Memorials, Academic Achievement - Kierra R. Jamerson, Valedictorian, East High School. by \*Hardaway.

**House Joint Resolution No. 1172** -- Memorials, Academic Achievement - Kedarius A. Austin, Salutatorian, East High School. by \*Hardaway.

**House Joint Resolution No. 1173** -- Memorials, Academic Achievement - Bianca Denise Fair, Salutatorian, Hamilton High School. by \*DeBerry L.

**House Joint Resolution No. 1174** -- Memorials, Academic Achievement - Darwin Dauine Denton, Valedictorian, Hamilton High School. by \*DeBerry L.

**House Joint Resolution No. 1175** -- Memorials, Academic Achievement - Rikee Rehsa McGrone, Salutatorian, Memphis Academy of Health Sciences. by \*Hardaway.

**House Joint Resolution No. 1176** -- Memorials, Academic Achievement - Chrishunna Janese Coleman, Valedictorian, Memphis Academy of Health Sciences. by \*Hardaway.

**House Joint Resolution No. 1179** -- Memorials, Personal Occasion - Gary and Libbie Suter, 50th wedding anniversary. by \*Evans.

**House Joint Resolution No. 1180** -- Memorials, Personal Occasion - Frances Juanita Potter Rueta, 80th birthday. by \*Hill.

**House Joint Resolution No. 1181** -- Memorials, Recognition - Bancroft Bible Camp, 75th anniversary. by \*Hill.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 2247** -- Tennessee Regulatory Authority - As introduced, changes the membership of the authority to be five part-time directors instead of four full-time directors; sets the salaries of such directors; revises other provisions regarding the Authority. - Amends TCA Title 65. by \*Norris, \*Faulk. (\*HB2385 by \*McCormick, \*Marsh)

**Senate Bill No. 2349** -- Sexual Offenses - As introduced, requires that persons convicted of aggravated rape serve 100 percent of sentence. - Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35. by \*Beavers. (\*HB2311 by \*Parkinson)

**\*Senate Bill No. 2368** -- Criminal Offenses - As introduced, enhances the penalty for involuntary labor servitude where the victim was under age 13 and adds means by which the crime is possible. - Amends TCA Title 39, Chapter 13 and Title 40. by \*Marrero, \*Harper, \*Burks, \*Yager. (HB2488 by \*Coley, \*Jones S, \*Floyd, \*Sparks, \*Brown, \*Todd, \*Swann, \*Gilmore, \*Richardson)

**Senate Bill No. 2371** -- Criminal Offenses - As introduced, creates the offense of trafficking for commercial sex acts and describes acts that constitute the crime. by \*Marrero, \*Harper, \*Summerville, \*Burks, \*Ford, \*Yager. (\*HB2493 by \*Coley, \*Jones S, \*Sparks, \*Maggart, \*Todd, \*Brown, \*Gilmore, \*Richardson, \*Sontany)

**\*Senate Bill No. 2438** -- Sexual Offenses - As introduced, increases from \$1,500 to \$2,000 the fine that may be imposed for a third or subsequent public indecency offense. - Amends TCA Title 39, Chapter 13 and Title 39, Chapter 17. by \*Finney L, \*Overbey, \*Yager, \*Burks. (HB2733 by \*Pitts, \*Harrison, \*Dennis, \*Brooks K, \*Dean, \*Eldridge, \*Naifeh, \*Shaw, \*Coley)

**Senate Bill No. 2560** -- Taxes, Exemption and Credits - As introduced, exempts from sales tax the repair and refurbishment services performed on out-of-state aircraft by an authorized service facility designated by an original equipment manufacturer, where the aircraft is removed out of state within 15 days of completion of work. - Amends TCA Title 67, Chapter 6, Part 3. by \*Ketron. (\*HB2551 by \*Sargent)

**Senate Bill No. 2606** -- Criminal Offenses - As introduced, creates new Class A felony theft provision if the amount stolen is 250,000 or more; allows state to aggregate value of property stolen into single count if the conduct arose from a common scheme; and changes venue for all offenses graded by value. - Amends TCA Title 39, Chapter 14, Part 1. by \*Beavers, \*Burks. (\*HB2655 by \*Sparks)

**\*Senate Bill No. 2759** -- Animal Cruelty and Abuse - As introduced, creates Class E felony of aggravated cruelty to livestock, which is intentionally engaging in specified conduct in a depraved and sadistic manner that results in serious bodily injury or death to the animal and is done without lawful or legitimate purpose. - Amends TCA Title 39, Chapter 14, Part 2. by \*Henry, \*Ketron, \*Ford, \*Gresham, \*Harper, \*Marrero, \*Massey, \*Overbey, \*Yager. (HB3082 by \*Odom, \*Harrison)

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**\*Senate Bill No. 2863** -- Taxes, Exemption and Credits - As introduced, authorizes property tax relief for spouses of veterans whose deaths resulted from being deployed in support of peace operations. - Amends TCA Section 67-5-704. by \*Barnes, \*Norris, \*Burks, \*Crowe, \*Ford, \*Herron. (HB3213 by \*Pitts)

**\*Senate Bill No. 2886** -- Fees - As introduced, clarifies provisions regarding forfeitures of a cash bond or other surety as the result of a municipal traffic violation being transmitted to the TBI. - Amends TCA Title 6, Chapter 54; Title 7, Chapter 3 and Title 38, Chapter 6, Part 1. by \*McNally. (HB3225 by \*Watson, \*Matheny)

**Senate Bill No. 3155** -- Education - As introduced, requires standardized testing of K-2 students in schools in the achievement school district or in schools feeding into schools in the achievement school district to determine how to best target student learning needs and if any learning disparities exist. - Amends TCA Title 49, Chapter 1; Title 49, Chapter 2; Title 49, Chapter 5 and Title 49, Chapter 6. by \*Kelsey. (\*HB3272 by \*Parkinson)

**Senate Bill No. 3315** -- Workers Compensation - As introduced, extends time period for advisory council on workers' compensation to provide specified information to the general assembly from 10 days to 14 days. - Amends TCA Title 29; Title 50, Chapter 6 and Title 56. by \*Johnson. (\*HB3372 by \*White)

**Senate Bill No. 3657** -- Unemployment Compensation - As introduced, allows employer to qualify as "seasonal employer" for purposes of unemployment insurance benefits. - Amends TCA Title 50, Chapter 7. by \*Johnson, \*Ramsey, \*Watson, \*Ketron, \*Burks, \*Bell, \*Tracy. (\*HB3430 by \*Matlock)

**\*Senate Bill No. 3745** -- Public Health - As introduced, requires the department of health to develop and implement a program to provide colorectal cancer screenings for uninsured individuals between ages 50 and 64 and for any other uninsured individuals determined to be at high risk for developing colon cancer; requires health insurance companies to cover colorectal cancer screenings. - Amends TCA Title 56 and Title 68. by \*Herron, \*Massey, \*Ford. (HB3830 by \*Casada, \*Hardaway, \*Parkinson)

**Senate Bill No. 3815** -- Clarksville - As introduced, subject to local approval, rewrites the charter. - Amends Chapter 252 of the Private Acts of 1929; as amended. by \*Barnes. (HB3885 by \*Pitts)

### REPORTS FROM STANDING COMMITTEES

The committees that met on **April 30, 2012**, reported the following:

#### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 30, 2012**: House Bill(s) No(s). 1788, Senate Bill(s) No(s). 3145, House Bill(s) No(s). 1054, 369, 3883, House Joint Resolution(s) No(s). 911, 996, 839, House Bill(s) No(s). 3281, 3749, 2385, 3472, 2865, 2725, 3430, 1916, 2837, 2287, 2315, 2309, 3722, 3098, 2350, 1379, 2488, 2493, 2868, 3272, 2311, 2733, 3213, 2655, 2551, 2840, 3302, 3769, 3235, 3622, 101, House Joint Resolution(s) No(s). 751, House Bill(s) No(s). 3763, 3225, 3372, 3832, 3496, 3082, 177 and Senate Bill(s) No(s). 2923.

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

## MONDAY, APRIL 30, 2012 – EIGHTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar No. 2** for **April 30, 2012**: House Joint Resolution(s) No(s). 870, House Bill(s) No(s). 3884, House Joint Resolution(s) No(s). 947, House Bill(s) No(s). 3885, 3886, 3887, House Joint Resolution(s) No(s). 960, 965, 980, 1001, 1017, 1109, 810 and 1055.

### FINANCE, WAYS AND MEANS COMMITTEE

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3472, 177, 1916, 2837, 2315, 2868, 2488, 2493, 3272, 2311, 2733, 3213, 2655, 2350, 101, 3763, 3225, 3496, 3082, Senate Bill(s) No(s). 2923, House Joint Resolution(s) No(s). 980, 1001, 1017, 1109, 810, 1055 and 751, also House Bill(s) No(s). 2385, 2865, 2725, 3430, 369, 2287, 2309, 3722, 3098, 1379, 3723, 2551, 2840, 3302, 2235, 3769, 3622, 3372, 3832 and 1054 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### STATE AND LOCAL GOVERNMENT COMMITTEE

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 3883, 3884, 3885, 3886, 3887, House Joint Resolution(s) No(s). 965, 960, 947, 911, 996 and 870, also House Bill(s) No(s). 3281 and House Joint Resolution(s) No(s). 839 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### TRANSPORTATION COMMITTEE

The Transportation Committee recommended for passage: House Bill(s) No(s). 3749 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Joint Resolution(s) No(s). 980, 1001 and 1017. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### CONSENT CALENDAR

**House Joint Resolution No. 1093** -- Memorials, Recognition - Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives. by \*Camper.

**House Joint Resolution No. 1142** -- Memorials, Recognition - Remembers the events of 1975 when Speaker Emeritus Jimmy Naifeh became a member of the Tennessee House of Representatives. by \*Camper, \*DeBerry L.

**House Joint Resolution No. 1155** -- Memorials, Academic Achievement - Amber Carpenter, Valedictorian, Memphis Health Careers Academy. by \*DeBerry L.

**Senate Joint Resolution No. 910** -- Memorials, Sports - Henry County High School, 2011 TSSAA Class 5A BlueCross Bowl football state champion. by \*Herron.

**Senate Joint Resolution No. 912** -- Memorials, Interns - Chelsea Rose. by \*Ramsey.

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**Senate Joint Resolution No. 913** -- Memorials, Interns - Tiffany N. Kaschel. by \*Ramsey.

**Senate Joint Resolution No. 915** -- Memorials, Recognition - Springfield Middle School, 2011 National Blue Ribbon School. by \*Roberts.

**Senate Joint Resolution No. 916** -- Memorials, Academic Achievement - Ethan Bryant Fields, Salutatorian, Hendersonville Christian Academy. by \*Roberts.

**Senate Joint Resolution No. 917** -- Memorials, Academic Achievement - Polly Jean Suzanne Gregory, Valedictorian, Hendersonville Christian Academy. by \*Roberts.

**Senate Joint Resolution No. 918** -- Memorials, Interns - Nicollette N. Davis. by \*Berke.

**Senate Joint Resolution No. 921** -- Memorials, Retirement - Ray Richesin. by \*Overbey.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	87
Noes.....	0
Present and not voting.....	7

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Favors, Fitzhugh, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Johnson C, Johnson P, Jones, Keisling, Kernell, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Odom, Parkinson, Pitts, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 87

Representatives present and not voting were: Faison, Floyd, Hurley, Lollar, Maggart, Niceley, Pody -- 7

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “present and not voting” to “aye” on the Consent Calendar No. 1 and have this statement entered in the Journal: Rep(s). Hurley and Niceley.



**HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 3839** -- Public Funds and Financing - As introduced, specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding; removes Taft Youth Center in provision regarding appointment of dentist to provide service at certain institutions. - Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 7. by \*Sargent, \*McCormick. (SB3771 by \*Norris)

**CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 3839**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3839 (Senate Bill No. 3771) has met and recommends that the following amendments be deleted:

House Amendment No. 1  
Senate Amendment No. 2  
Senate Amendment No. 3

The Committee further recommends that the following amendment be adopted:

**ADMINISTRATION AMENDMENT TO BUDGET RECONCILIATION BILL**

by deleting all language after the enacting clause and substituting the following:

**JUVENILE COURT SUPPLEMENT**

SECTION 1. Tennessee Code Annotated, Section 37-1-161(a), is amended by deleting paragraph (a) in its entirety and inserting in lieu thereof the following:

(a) There is hereby established a reimbursement account, which shall be comprised of such amount of federal funds as are set aside by the commission on children and youth from the state's allocation under the Juvenile Justice and Delinquency Prevention Act formula grant funds and of state funds, if funds for such purpose are appropriated in the general appropriations act. The reimbursement account shall be used to provide financial assistance to counties for removing children from adult jails.

SECTION 2. Tennessee Code Annotated, Section 37-1-162, is amended by deleting it in its entirety and substituting in lieu thereof the following:

(a) A supplement shall be provided by the state each year to counties for the improvement of juvenile court services. Such supplements shall be administered by the department of children's services and distributed by the department to participating counties. Where more than one (1) court exercises juvenile court jurisdiction within a single county, each court shall receive an

equitable share of the county's allocation, as determined by percentage of juvenile court intakes or some other appropriate measure. Each court accepting such funds shall employ a youth services officer to be appointed and supervised by the court.

(b) The department shall establish policies regarding application and reporting procedures, adequate minimum educational requirements for youth services officers, and permissible uses of funds received under this section, including, but not limited to, requirements that such funds shall not be used to supplant funds formerly used by counties for juvenile court services, to pay salaries or personal expenses of juvenile court judges, or to construct or remodel jails or other facilities used for the detention or housing of adults alleged to have committed or been convicted of criminal offenses.

**DENTIST AT TAFT YOUTH CENTER AND OTHER INSTITUTIONS**

SECTION 3. Tennessee Code Annotated, Section 4-6-110, is amended by:

(a) deleting the following language:

mental health facilities, the James M. Taft Youth Center, the Spencer Youth Center, the Tennessee Vocational School for Girls, the state penitentiary, and the Brushy Mountain state penitentiary

and by substituting instead the language "state prisons";

(b) deleting the language "patients or"; and

(c) adding the following sentence at the end of the section:

Such appointment may be by employment in the department or by contract for services.

**STATE SALES TAX APPORTIONMENT – INCREASE TO CITIES FUND**

SECTION 4. Tennessee Code Annotated, Section 67-6-103(a)(1), is amended by deleting the language "Twenty-nine and two hundred forty-six ten-thousandths percent (29.0246%)" and by substituting instead the language "Twenty-nine and one hundred forty-one ten-thousandths percent (29.0141%)".

SECTION 5. Tennessee Code Annotated, Section 67-6-103(a)(3), is amended by deleting the language "Four and five thousand nine hundred twenty-five tenthousandths percent (4.5925%)" each place that it appears and by substituting instead the language "Four and six thousand thirty ten-thousandths percent (4.6030%)" in each place.

**CAPITAL BUDGET – BUDGET AND APPROPRIATIONS BILL**

SECTION 6. Tennessee Code Annotated, Section 9-4-5106, is amended by inserting the following as a new paragraph (b):

(b) The capital budget, to be included in part 3 of the budget document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars (\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be specified in such detail in the budget document as the Governor shall determine.

SECTION 7. Tennessee Code Annotated, Section 9-4-5108, is amended by deleting paragraph (b) in its entirety and inserting the following new paragraph (b):

(b) Appropriations for capital improvement and capital maintenance projects shall be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the budget document.

### **FILM INCENTIVES**

SECTION 8. Tennessee Code Annotated, Section 4-3-4903(c), is further amended by designating the existing language as subdivision (1), and by adding the following, to be designated as subdivision (2):

(2) The amount of each grant awarded pursuant to this section shall not exceed twenty-five percent (25%) of the total expenses incurred by a production company for a project; except, however, the department may award grants in excess of this amount if deemed appropriate by the department. It is the legislative intent that funding be appropriated each year in the general appropriations act for awarding grants. It is further the legislative intent that the department strive to award the maximum amount of incentive grants authorized by this section due to the amendments to § 67-4-2109(j) provided in this act.

SECTION 9. Tennessee Code Annotated, Section 4-3-4903(i), is amended by deleting the language " is authorized to" and by substituting instead the language "shall".

SECTION 10. Tennessee Code Annotated, Section 67-4-2109(j), is amended by adding the following language as new subdivision (6):

(6) The credit provided for in this subsection (j) shall not apply to tax years beginning on or after July 1, 2012; provided that this subdivision (j)(6) shall have no effect on the right of any taxpayer to realize the benefits of any credit provided under subsection (j) in the event that the commissioner of revenue and the commissioner of economic and community development determine that the taxpayer's production is in the "best interest of this state" pursuant to § 67-4-2109(j)(1)(A) and the taxpayer incurs expenses related to such production prior to July 1, 2012.

### **EFFECTIVE DATE OF JULY 1, 2012**

SECTION 11. This act shall take effect on July 1, 2012, the public welfare requiring it.

AND FURTHER AMEND by requesting that the engrossing clerk:

(1) delete the bold underlined explanatory headings in this amendment;

(2) and exclude this paragraph from the engrossed bill.

/s/ Senator Randy McNally

/s/ Senator Lowe Finney

/s/ Senator Bill Ketron

/s/ Senator Jim Kyle

/s/ Senator Mark Norris

/s/ Senator Bo Watson

/s/ Representative Charles Sargent

/s/ Representative David Alexander

/s/ Representative Craig Fitzhugh

/s/ Representative Mike Harrison

/s/ Representative Gerald McCormick

/s/ Representative Mike Turner

Rep. Sargent moved that the Report of the Conference Committee on **House Bill No. 3839** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes ..... 79

Noes..... 12

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 79

Representatives voting no were: Brown, Favors, Hardaway, Kernell, McDonald, Moore, Richardson, Sontany, Stewart, Towns, Turner J, Turner M -- 12

A motion to reconsider was tabled.

## RECESS MOTION

On motion of Rep. Fitzhugh, the House stood in recess for thirty minutes.

## SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 960** Rep(s). Gilmore and Hardaway as prime sponsor(s).

**House Joint Resolution No. 1109** Rep(s). Rich as prime sponsor(s).

**House Joint Resolution No. 1177** Rep(s). L. DeBerry as prime sponsor(s).

**House Joint Resolution No. 1178** Rep(s). L. DeBerry as prime sponsor(s).

**House Bill No. 3157** Rep(s). Kernell as prime sponsor(s).

**House Bill No. 3576** Rep(s). Shipley, Weaver and Womick as prime sponsor(s).

**House Bill No. 3579** Rep(s). Gotto, Elam, Brown and Armstrong as prime sponsor(s).

**House Bill No. 3671** Rep(s). Brown as prime sponsor(s).

**House Bill No. 3885** Rep(s). Tidwell as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 30, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3597; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 3597** -- Education, Higher - As introduced, prohibits certain colleges and universities in this state from denying recognition, privileges or benefits to a student organization or group on the basis of religious content of the organization's or group's speech or the manner in which the organization or group determines its organizational affairs. - Amends TCA Title 49. by \*Beavers, \*Gresham, \*Roberts, \*Bell. (\*HB3576 by \*Pody, \*Powers, \*Miller D, \*Floyd)

**RECESS EXPIRED**

The recess having expired, the House was called to order by Madam Speaker Harwell.

**ROLL CALL DISPENSED WITH**

On motion of Rep. Maggart, the roll call was dispensed with.

**HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 3835** -- Appropriations - As introduced, makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012. by \*Sargent, \*McCormick. (SB3768 by \*Norris)

**CONFERENCE COMMITTEE MINORITY REPORT NO. 1  
ON HOUSE BILL NO. 3835**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3835 / Senate Bill No. 3768 has met and recommends that the following amendments be deleted:

House Amendment No. 2

House Amendment No. 3

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Senate Amendment No. 18  
Senate Amendment No. 4  
Senate Amendment No. 5  
Senate Amendment No. 6  
Senate Amendment No. 7

The Committee further recommends that the following amendment be adopted:

By deleting each and every section of House Bill 3835 / Senate Bill 3768 and by substituting instead new Sections 1 through 69, namely:

Sections 1 through 69 of House Bill 3835 / Senate Bill 3768 as filed for introduction on February 6, 2012, and considered to be part of this amendment.

**ADMINISTRATION AMENDMENT**  
**2011-2012 SUPPLEMENTAL APPROPRIATIONS**

AND FURTHER AMEND by deleting the following language from Section 38 of the printed bill:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 3,382,500.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
	TOTAL .....	\$ 147,909,500.00

and by substituting instead:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 1,280,200.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
2.	Sales Tax Disaster Relief .....	525,000.00
	Total Revenue .....	\$ 3,025,000.00
	TOTAL .....	\$ 146,332,200.00

Provided further that the line item appropriation in the amount of \$525,000.00 relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by Senate Bill 2701 / House Bill 2889, if it becomes a law.

From the appropriation to the Department of Economic and Community Development in the amount of \$34,000,000 for headquarters relocation assistance, it is the legislative intent to make the following allocations to the Volkswagen Project: (a)

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\$19,110,000 for site preparation and infrastructure; (b) \$684,000 to FastTrack Infrastructure and Job Training Assistance for training a third shift; and (c) \$371,000 to Business Development for recruitment purposes.

The appropriations to the Department of Mental Health and to the Department of Economic and Community Development, including allocations to the Volkswagen Project, shall not revert to the general fund at June 30, 2012, and are hereby reappropriated in the fiscal year beginning July 1, 2012.

AND FURTHER AMEND in Section 41 of the printed bill by inserting a new item as follows:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is appropriated the sum of \$1,400,000 (non-recurring) to Loan/Scholarships Programs for the graduate nursing loan forgiveness program. The appropriation is intended to reinstate a non-recurring appropriation that reverted to the general fund balance. Pursuant to Tennessee Code Annotated, Section 49-4-702(d), this appropriation shall not revert to the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following items:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is reappropriated from the TennCare reserve the sum of \$58,700,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item \_\_\_. In the fiscal year ending June 30, 2013, there hereby is reappropriated from the TennCare reserve the sum of \$65,000,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by inserting a new section, to follow Section 70 of this amendment, to read as follows:

SECTION 71. Supplemental Appropriation for Land Acquisition. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In the fiscal year ending June 30, 2012, it is the legislative intent to recognize a contingency appropriation in the amount of \$8,800,000 for land acquisition made under the provisions of Section 75 in Chapter 473, Public Acts of 2011. Funding for the appropriation is identified in the 2012-2013 budget document on page A-10 (\$8,500,000) and in the administration budget amendment overview (\$300,000). Any unexpended balance of the appropriation at June 30, 2012, is hereby reappropriated to be expended in the 2012-2013 fiscal year for the purpose stated in Section 75 of Chapter 473, Public Acts of 2011.

**2012-2013 ITEMS AFFECTING REVENUE AVAILABILITY**

AND FURTHER AMEND by deleting in its entirety Item 9 in Section 43 of the printed bill and substituting instead the following:

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Item 9. Pursuant to Tennessee Code Annotated, Section 67-6-103(k), there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$400,000 in the fiscal year ending June 30, 2012 and the sum of \$1,000,000 in the fiscal year ending June 30, 2013.

It is the legislative intent that \$600,000 of the \$1,000,000 apportionment is for the purpose of funding the state share of the mandated local cost of Senate Bill 2251 / House Bill 2389, relative to domestic violence, if that bill becomes a law. If that bill does not become a law, then the apportionment to the County Revenue Partnership Fund in the year ending June 30, 2013, shall be \$400,000.

AND FURTHER AMEND by deleting the following language from Title III-31 in Section 1 of the printed bill:

4. Amortization of Authorized and Unissued Construction Bonds ..	88,450,000.00
Total Title III-31 .....	\$ 436,460,000.00

and by substituting instead the following:

4. Amortization of Authorized and Unissued Construction Bonds ..	84,750,000.00
Total Title III-31 .....	\$ 432,760,000.00

**CERTAIN SECTION 1 AND 4 AMENDMENTS**

AND FURTHER AMEND by deleting the following language from Title III-22 in Section 1 of the printed bill:

13. State Employees 2.5% Salary Increase.....	36,000,000.00
27. Severance Benefit Plan.....	2,900,000.00
33. Temporary Office Space .....	6,000,000.00
Total Title III-22 .....	\$ 139,085,300.00

and by substituting instead the following:

13. State Employees 2.5% Salary Increase.....	35,500,000.00
27. Severance Benefit Plan.....	2,100,000.00
33. Temporary Office Space .....	11,400,000.00
34. OIR – Mainframe Outsourcing.....	3,700,000.00
Total Title III-22 .....	\$ 146,885,300.00



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AND FURTHER AMEND in Section 1 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health		
1.	Administration		
1.1	Administrative Services Division .....	\$	13,653,000.00
	Total Administration.....	\$	13,653,000.00
2.	Mental Health Services		
2.1	Middle Tennessee Mental Health Institute .....	\$	27,250,000.00
2.2	Western Mental Health Institute.....		19,656,700.00
2.3	Moccasin Bend Mental Health Institute.....		16,379,800.00
2.4	Memphis Mental Health Institute .....		17,110,000.00
2.5	Community Mental Health Services.....		72,854,100.00
2.6	Major Maintenance .....		450,000.00
	Total Mental Health Services.....	\$	153,700,600.00
3.	Alcohol and Drug Abuse Services		
3.1	Community Alcohol and Drug Abuse Services .....	\$	17,190,600.00
	Total Alcohol and Drug Abuse Services .....	\$	17,190,600.00
	Total Title III-14 .....	\$	184,544,200.00

AND FURTHER AMEND in Section 4 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health		
1.	Administration		
1.1	Administrative Services Division .....	\$	4,731,400.00
	Total Administration.....	\$	4,731,400.00
2.	Mental Health Services		
2.1	Community Mental Health Services.....	\$	18,300,400.00
2.2	Middle Tennessee Mental Health Institute .....		14,890,200.00
2.3	Western Mental Health Institute.....		13,823,500.00
2.4	Moccasin Bend Mental Health Institute.....		11,467,600.00
2.5	Memphis Mental Health Institute .....		4,094,900.00
	Total Mental Health Services.....	\$	62,576,600.00
3.	Alcohol and Drug Abuse Services		
3.1	Community Alcohol and Drug Abuse Services .....	\$	35,255,800.00
	Total Alcohol and Drug Abuse Services .....	\$	35,255,800.00
	Total Title III-14 .....	\$	102,563,800.00

AND FURTHER AMEND the printed bill by inserting the following new paragraphs immediately after the introductory paragraph of Section 64 and by inserting the following additional sections immediately after Section 64 as amended and renumbering subsequent sections of the printed bill accordingly:

**LEGISLATION RECONCILIATION**

Provided that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Federal and other departmental revenue adjustments may be made as indicated in the text of the line items or in reconciliation to fiscal notes and to available federal aid. Adjustments to the number of authorized positions indicated in the line items as full-time (FT) and part-time (PT) shall be reconciled to the fiscal notes.

Provided further that the term fiscal note in this item refers to the final fiscal note on the bill as enacted.

Provided further that the line item appropriation in Item 1 for Senate Bill (SB) 2701 / House Bill (HB) 2889, relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by the bill, if it becomes a law, notwithstanding contrary provisions of this section regarding reconciliation to the fiscal note on the enacted bill.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	Recurring	Non- Recurring
1. Misc. Approp. - Administration Legislation - Delete	\$ (2,000,000)	\$ 0
2. SB 884 / HB 984 - Labor & WFD - Unemployment Benefits for Military Spouses – Reduce	(1,200)	0
3. SB 2199 / HB 2337 - Children's Services - Transitioning Youth Empowerment Act (\$4,800 Federal)	1,900	0
4. SB 2210 / HB 2348 - Education - BEP Class Size and Salary Component Change – Delete	(795,000)	0
5. SB 2233 / HB 2371 - Dept. of Revenue - E-Filing	0	0
6. SB 2246 / HB 2384 - Civil Service Reform	0	0
7. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(247,400)	0
8. SB 2250 / HB 2388 - Correction - Felons with Firearms - Incarceration	4,900	0
9. SB 2251 / HB 2389 - Correction - Domestic Violence – Delete – Replaced by \$600,000 State-Shared Revenue to Counties	(780,000)	0
10. SB 2251 / HB 2389 - Correction - Domestic Violence – Incarceration - Delete	(868,200)	0
11. SB 2252 / HB 2390 - Correction - Gang Related Crime - Incarceration - Reduce	(1,913,900)	0
12. SB 2253 / HB 2391 - Health - Prescription Drug Bill -	230,300	0

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	<u>Recurring</u>	<u>Non- Recurring</u>
Controlled Substance Monitoring Database		
13. SB 2253 / HB 2391 - Mental Health - Prescription Drug Bill - Controlled Substance Monitoring Database (\$281,700 Federal)	0	0
14. SB 2253 / HB 2391 - Correction - Prescription Drug Bill - Incarceration	29,100	0
15. SB 2280 / HB 2286 - Correction - Imitation Controlled Substances - Incarceration	86,100	0
16. SB 2701 / HB 2889 - Revenue Dept. - Sales Tax Disaster Relief	250,000	0
17. SB 2809 / HB 2613 - Higher Education - TBR - Dual Credit Courses	150,000	300,000
18. SB 3018 / HB 3175 - Correction - Controlled Substance Analogue - Incarceration	236,100	0
19. SB 3070 / HB 3459 – Secretary of State - Model Business Corporation Act - Computer Programming (\$400 Departmental Revenue)	0	59,500
20. SB 3620 / HB 3727 - Envir. & Cons. - Bicentennial Mall - Andrea Conte Walking Path - Signs	0	6,000
21. SB 3658 / HB 3431 - Labor & WFD - Unemployment Insurance Benefits - Effort to Secure Work	0	122,000
22. SB 3659 / HB 3429 - Labor & WFD - Unemployment Insurance - Internet-Based Electronic Notices (1 FT, 5 PT)	115,500	0
Total	<u>\$ (5,501,800)</u>	<u>\$ 487,500</u>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues. The appropriation line item below for Senate Joint Resolution (SJR) 353, relative to naming a building at McGhee Tyson Air Guard Base, is from federal sources, and the appropriation for that line item shall take effect upon becoming law, the public welfare requiring it.

	<u>Recurring</u>
1. SB 2247 / HB 2385 - Tennessee Regulatory Authority (5 Part-Time Directors, 1 FT Exec. Dir., -3 FT)	\$ (199,700)
2. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(1,200)
3. SB 3094 / HB 3373 - Transportation - S.R. 385 in Shelby & Fayette Counties - Gov. Dunn Parkway - Signs (Highway Fund Earmark)	300
4. SJR 353 - Military - McGhee Tyson Air Guard Base -	10,500

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Building Named for Maj. Gen. Frederick H. Forster  
(Federal Funds Earmark)

Total

\$ (190,100)

**OTHER ADDITIONS TO BUDGET**

SECTION 65. Mortgage Servicer Settlement Agreement.

Item 1. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are contingent upon the state's receipt of funds from the national mortgage servicer settlement agreement(s) or consent judgments approved by the U.S. District Court in April 2012. There hereby is appropriated such sums as may be received from this source.

Item 2. The Commissioner of Finance and Administration is authorized to recognize the national mortgage servicer settlement revenue and allot the appropriations or allocate the funds in the manner required by generally accepted accounting principles; and such allotments and allocations shall be made for purposes and in such amounts available, as directed by the Attorney General and Reporter or the Commissioner of Financial Institutions for the funds each receives. If such funds are received or recognized in state revenue accounts as available in the year ending June 30, 2012, the Commissioner of Finance and Administration is authorized to allot a sum sufficient of such funds as may be expended in fiscal year 2011-2012 and to reserve at June 30, 2012 and 2013, the balance of such funds as may be available for expenditure in fiscal year 2012-2013 or thereafter; and such funds as are reserved at June 30, 2012, hereby are appropriated for expenditure in the year beginning July 1, 2012. At the closing of any fiscal year, it is the legislative intent that revenue received through this settlement shall be reserved for the intended purposes until expended.

Item 3. The State of Tennessee estimates that the amount of \$42,432,810 will be received, including \$41,432,810 by the Attorney General and Reporter and \$1,000,000 by the Department of Financial Institutions, for the benefit of the citizens of the State of Tennessee, to be used for purposes consistent with the applicable provisions of the consent judgments, as directed by the Attorney General and Reporter, including foreclosure prevention counseling; other housing and legal assistance programs; related compliance, investigative, enforcement, and education purposes; or to fund other programs reasonably targeted to housing or tenant issues; and to be used, as directed by the Commissioner of Financial Institutions, for Department of Financial Institutions examiner training, information technology support, financial literacy, and consumer education. From the amount of revenue estimated above, the allocations to be made, subject to approval and adjustments by the Attorney General and Reporter for sub-items (a) through (e) of this item, are as follows, and such amounts in this item hereby are appropriated or allocated for these purposes:

(a) To the general fund, allocation of a civil penalty of \$4,120,781.

(b) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(c) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(d) To the Miscellaneous Appropriations, \$700,000 for grants to four legal aid entities (Memphis Area Legal Services, West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid Society of Middle Tennessee and the Cumberlands) for the purpose of training, education, and legal services relating to housing and foreclosure matters. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the Attorney General and Reporter or to make the grants as directed by the Attorney General and Reporter.

(e) To the Attorney General's litigation settlement reserve, \$1,862,029, including \$1,637,029 for investigative and enforcement purposes and \$225,000 for executive committee work.

(f) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (a) \$350,000 for examiner training; (b) \$350,000 for information technology support and equipment; (c) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (d) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to adjust these amounts to the amount of revenue available from the settlement(s) and to reallocate amounts among these purposes. The Commissioner of Finance and Administration is authorized to adjust the departmental revenue estimate and allotment of the Treasury Department for the grant to the Financial Literacy Commission.

(g) The Commissioner of Finance and Administration is authorized to adjust the allocations and appropriations in this item as realized receipts require and as directed by the Attorney General and Reporter or, relative to paragraph (f), by the Commissioner of Financial Institutions.

SECTION 66. Budget Reductions Restored. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated from the general fund and education fund, as applicable, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	<u>Recurring</u>	<u>Non- Recurring</u>
1. TennCare for Children's Services - Base Reduction Reconciliation (Federal \$425,200)	\$ 217,200	\$ 0
2. TennCare for Dept. of Finance and Administration, Inspector General - Vacancy Reduction Reconciliation (\$118,800 Federal)	118,800	0

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	<u>Recurring</u>	<u>Non- Recurring</u>
3. Envir. & Cons. - Core Services FY 11 #8 - West TN River Basin Authority Maintenance	0	300,000
4. Education - Core Services FY 10 #20 - Family Resource Centers	0	3,050,000
5. Mental Health - Core Services FY 10 #7 - Peer Support Centers	0	1,377,300
6. Health - Core Services FY 10 #18 - Poison Control Center	375,000	0
7. Intellectual and Developmental Disabilities - Core Services FY 10 #7- Family Support @ \$5.5 M	0	1,000,000
8. TBI - Base Reduction FY 10 #3 - Drug Enforcement Funds	0	603,800
9. Safety - Base Reduction FY 13 #2 - Highway Patrol - Homeland Security & Wrecker Inspection (8 FT)	851,200	0
10. Children's Services - Base Reduction FY 13 #2 - Juvenile Court Supplement	855,000	0
11. Children's Services - Core Services FY 10 #3 - Juvenile Court Prevention Grants - Reduce	(855,000)	0
12. Health - Core Services FY 10 DCS #14 - Healthy Start	0	3,060,100
13. Health - Core Services FY 10 DCS #2 - Child Health & Development (CHAD)	0	838,100
14. Children's Services - Base Reduction FY 13 #9 - Child Advocacy Centers	0	250,000
Total	<u>\$ 1,562,200</u>	<u>\$ 10,479,300</u>

SECTION 67. Group Health Insurance Premium Adjustment. In addition to the amounts appropriated in Section 1 of this act, an amount of \$1,300,000 is appropriated for the purpose of adjusting the state share of group health insurance premium increases at January 1, 2013. The appropriations shall be adjusted as follows, and the Commissioner of Finance and Administration shall allocate the adjustments to the appropriate organizational units.

(a) From the Miscellaneous Appropriations, Group Health Insurance Premium – State Employees, in Section 1, Title III-22-15, reduced by \$2,600,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(b) From the Higher Education systems, in Section 1, Title III-10, reduced by \$2,100,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(c) To the Department of Education, Basic Education Program, in Section 1, Title III-9, Item 2.1(c), an additional \$6,000,000 for the state formula share of a 9.2 percent average increase, rather than the 5 percent included in the Budget Document.

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SECTION 68. Other Additions to the Operational Budget. In addition to the amounts appropriated in Section 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. General Fund Appropriations. The following appropriations are from the general fund.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Correction Dept. - Dairy Farm Boiler Operators (3 FT)	\$ 129,100	\$ 0
2. Correction Dept. - Dairy Farm Operation - Utilities	300,000	0
3. Correction Dept. - Big Brothers Big Sisters - Amachi Mentoring for Children of Inmates - Grant	0	250,000
4. TennCare - Medicaid Systems Development Staffing (Federal \$1,252,500) (32 FT)	481,500	0
5. TennCare - Diabetic Test Strips - Rate Adjustment (Federal \$565,900)	289,100	0
6. Finance and Administration - Business Solutions Delivery (8 FT)	1,400,000	0
7. Veterans Affairs - Communications and Public Affairs Position (1 FT)	68,000	0
8. Correction - Local Jails Reimbursement @ \$37 per Day	4,000,000	0
9. Labor & WFD - Career Centers - Federal Revenue Decrease (\$6.8 M)	0	5,000,000
10. Health – Comprehensive Sickle Cell Clinic of Memphis - Grant	0	50,000
11. Safety - Motor Vehicle Operations	<u>1,600,000</u>	<u>900,000</u>
Total	<u>\$ 8,267,700</u>	<u>\$ 6,200,000</u>

Item 2. State Treasurer. From the general fund, the sum of \$200,000 (non-recurring) hereby is appropriated to the State Treasurer for expenditures relative to veterans organizations.

Item 3. Dedicated Source Appropriations. The following appropriations are from dedicated state revenue sources.

	<u>Recurring</u>
1. Agriculture - Beef Promotion Fund - Sum Sufficient from 50¢ per Head Assessment	\$ 235,000
2. Health - Health-Related Boards - Complaint Resolution - Mediator and Investigation Positions (7 FT)	760,400

Total	<u>\$ 995,400</u>
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Item 4. State Treasurer. In addition to the appropriation of departmental revenue to the Treasury Department in Section 4, Title III-1, Item 6.1, there hereby is appropriated from the state pooled investment fund revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g):

(a) An amount not to exceed \$250,000 for costs associated with employee relocation and office consolidation of the Department of Revenue and for costs of providing shared facilities services supporting the Treasury Department and the Department of Revenue.

(b) An amount not to exceed \$200,000 for implementation of image cash letter deposit initiatives within state agencies.

SECTION 69. Reorganization of Appropriations. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	
	Appropriation	Departmental Revenue
1. Correction – Field Services (-44 FT) - Reduce	\$ (4,019,500)	\$ 0
2. Parole Board - Staffing (44 FT)	4,019,500	0
3. Correction - Sentencing Act of 1985 - Reduce	(1,411,900)	0
4. Correction – Southeastern TN Regional Prison Expansion – Accelerated Staffing	1,411,900	0
5. General Services - Real Estate Asset Management – Staffing (-2 FT) – Reduce	(127,500)	0
6. Finance and Administration - State Architect - Staffing (2 FT)	127,500	0
7. Intellectual and Developmental Disabilities – Home- and Community-Based Services - Interdepartmental	0	(6,748,000)
Total	<u>\$ 0</u>	<u>\$ (6,748,000)</u>

### **BUDGET REDUCTIONS AND RECONCILIATION**

SECTION 70. Budget Reductions and Reconciliation.



Item 1. Court System - Core Services Program Reduction. The appropriation in Section 4, Title II, Item 7, to the Court System, Administrative Office of the Courts, from its reserves is reduced by \$456,300, and the authorized positions are reduced by five (5) for the purpose of deleting the item recommended in the 2012-2013 Budget Document, Volume 2, Base Budget Reductions, on pages 99 and 138, and identified as Core Services 2010-2011 Reductions, number 1, Staffing and Operational.

Item 2. Commerce and Insurance Department - Indirect Cost Reconciliation. The appropriation in Section 1, Title III-11, Item 1, Commerce and Insurance, Administration, is reduced by \$2,102,300 and the interdepartmental revenue estimate increased by the same amount to correct the estimated indirect costs of Regulatory Boards to an amount of \$1,280,200, rather than the amount of \$3,382,500 stated on page A-47 of the 2012-2013 Budget Document.

AND FURTHER AMEND in Section 2, Item 12(a), of the printed bill by deleting the figure "\$24,492,500" and substituting in lieu thereof the figure "\$25,904,400".

AND FURTHER AMEND in Section 11, Item 1 of the printed bill by deleting sub-item (b) in its entirety and substituting instead:

(b) The dollar value of the BEP instructional positions component shall be thirty-nine thousand eight hundred forty-nine dollars (\$39,849);

### **SECTION 39 – FEDERAL AND OTHER DEPARTMENTAL REVENUE**

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2012, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2012.

(a) There hereby is appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<b><u>2011- 2012</u></b>	<b><u>2012- 2013</u></b>
District Attorneys General Conference		
1. District Attorneys General	\$ 143,400	\$ 0
Higher Education - State Administered Programs		
1. Tennessee Higher Education Commission	150,000	0
Labor and Workforce Development		
1. Employment Security	1,362,100	0
Mental Health		

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1. Community Alcohol and Drug Abuse Services	\$ 2,090,700	\$ 4,354,600
2. Community Mental Health Services	<u>0</u>	<u>2,200,000</u>
Sub-Total Mental Health	\$ 2,090,700	\$ 6,554,600

## Health

1. Maternal and Child Health	\$ 500,000	\$ 7,852,200
2. Communicable and Environmental Disease Services	26,900	90,400
3. Community and Medical Services	129,600	0
4. Local Health Services	<u>509,800</u>	<u>0</u>
Sub-Total Health	\$ 1,166,300	\$ 7,942,600

## Children's Services

1. Custody Services	<u>0</u>	<u>30,000</u>
Sub-Total Section 39(a)	\$ 4,912,500	\$14,527,200

The Commissioner of Finance and Administration is authorized to establish eighteen (18) full-time positions and to allocate them to the appropriate organizational units, including three (3) positions in the District Attorneys General Conference; one (1) in the Department of Commerce and Insurance, Tennessee Law Enforcement Training Academy; five (5) positions in the Department of Labor and Workforce Development; and nine (9) positions in the Department of Health, including eight (8) for continuation of federally funded positions in the Division of Communicable and Environmental Disease Services.

(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
Executive Department		
1. Governor's Office	\$ 15,000	\$ 45,000
Health		
1. Maternal and Child Health	69,800	209,500
Human Services		
1. Community Services	<u>127,900</u>	<u>554,100</u>
Sub-Total Section 39(b)	\$ 212,700	\$ 808,600

The Commissioner of Finance and Administration is authorized to establish three (3) full-time positions and to allocate them to the appropriate organizational units, including one (1) position in the Executive Department, one (1) position in the Department of Health, and one (1) position in the Department of Human Services.

Total Section 39	<u>\$ 5,125,200</u>	<u>\$15,335,800</u>
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**CAPITAL OUTLAY**

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1 of the printed bill:

5.	Department of Environment and Conservation .....	12,940,000.00
7.	Department of General Services.....	12,930,000.00
13.	Tennessee Board of Regents .....	48,930,000.00
14.	University of Tennessee .....	34,345,000.00
Total Title III-32 .....		\$ 138,600,000.00

and by substituting instead the following:

5.	Department of Environment and Conservation .....	13,940,000.00
7.	Department of General Services.....	15,660,000.00
13.	Tennessee Rehabilitative Initiative in Correction .....	2,600,000.00
14.	Tennessee Board of Regents .....	48,930,000.00
15.	University of Tennessee .....	34,345,000.00
Total Title III-32 .....		\$ 144,930,000.00

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

Item \_\_\_. The capital maintenance project, ETSU CoM Family Practice Replace Roof, to be funded in the amount of \$500,000 from the Tennessee Board of Regents appropriation in Section 1, Title III-32, Item 14 of this act and listed on page A-147 of the 2012-2013 budget document, is deleted and there is hereby reappropriated the sum of \$500,000 for the ETSU CoM Education Building Electrical Updates.

Item \_\_\_. In addition to the capital budget projects listed on pages A-144 through A-146 of the 2012-2013 budget document, two capital improvement projects and one capital maintenance project are funded in the appropriations in Section 1, Title III-32, Items 5, 7 and 13 of this act:

(a) Department of Environment and Conservation - Radnor Lake State Natural Area – Land Acquisition	\$1,000,000.00
(b) Department of General Services – Capital Maintenance - Management Support Services	\$2,730,000.00
(c) Tennessee Rehabilitative Initiative in Correction - Cook-Chill Equipment Replacement and Repair	\$2,600,000.00

**SECTION 1 AND 4 AMENDMENTS - FACILITIES REVOLVING FUND (FRF)**

AND FURTHER AMEND by deleting the following language from Title III-29 in Section 1 of the printed bill:

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2.	General Services Project Maintenance.....	5,547,600.00
3.	Capital Projects .....	125,100,000.00
Total Title III-29 .....		\$ 138,164,800.00

and by substituting instead the following:

2.	General Services Project Maintenance.....	1,100,000.00
3.	Facilities Management.....	5,547,600.00
4.	Capital Projects .....	115,870,000.00
Total Title III-29 .....		\$ 130,034,800.00

AND FURTHER AMEND by deleting the following language from Title III-26 in Section 4 of the printed bill:

4.	Capital Projects .....	6,680,000.00
Total Title III-26 .....		\$ 138,902,200.00

and by substituting instead:

4.	Capital Projects .....	13,667,300.00
Total Title III-26 .....		\$ 145,889,500.00

**HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY  
FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES**

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new item to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-150 through A-151 in the 2012-2013 Budget Document:

**State University and Community College System  
(Tennessee Board of Regents)**

**Austin Peay State University**

Dunn Center Scoreboard Replacement	\$	1,870,000
<b>Total APSU</b>	<b>\$</b>	<b>1,870,000</b>

**East Tennessee State University**

Baseball Stadium Upgrades	\$	4,500,000
Gray Fossil Site Improvements		180,000
Pedestrian Safety Improvements		1,000,000
<b>Total ETSU</b>	<b>\$</b>	<b>5,680,000</b>

**Middle Tennessee State University**

Athletic Track Refurbishment	\$	400,000
Data Center Consolidation		5,250,000
Keathley University Center Renovation		3,000,000
McFarland Building Renovations		2,000,000
<b>Total MTSU</b>	<b>\$</b>	<b>10,650,000</b>

**Tennessee State University**

Campus-wide Relocations and Renovations	\$	250,000
Charter School Facilities Development		1,700,000
Hankal Hall Relocations and Renovations		1,000,000
<b>Total TSU</b>	<b>\$</b>	<b>2,950,000</b>

**Tennessee Technological University**

Foundation Hall Parking	\$	630,000
Intramural Sports and Activities Building		7,210,000
Parking and Transportation Improvements		750,000
Warf/Ellington Residence Hall Upgrade		2,250,000
Science & Engineering Complex Parking Garage		18,000,000
Tech Village Apartments Renovations Phase 3		9,680,000
<b>Total TTU</b>	<b>\$</b>	<b>38,520,000</b>

**University of Memphis**

Annex Facility Improvements	\$	400,000
Dining Pavilion Construction		150,000
Emergency Operations Generator		150,000
Intramural Field Development		1,300,000
Park Avenue Campus Entry		500,000
Traffic and Circulation Improvements		3,000,000
Zach Curlin Parking Extension		1,100,000
Carney-Johnston Dormitory Renovation		3,000,000
Dormitory Reroofing		920,000
<b>Total UoM</b>	<b>\$</b>	<b>10,520,000</b>

**Cleveland State Community College**

Fire Alarm System Upgrade	\$	1,000,000
<b>Total CLSCC</b>	<b>\$</b>	<b>1,000,000</b>

**Jackson State Community College**

Student Center Repairs and Updates

\$ 500,000

**Total JSCC**

**\$ 500,000**

**Nashville State Community College**

Antioch Teaching Site Renovations

\$ 3,680,000

**Total NASCC**

**\$ 3,680,000**

**Pellissippi State Community College**

Campus Window Replacement

\$ 300,000

Career Center Renovation

700,000

Division Street Parking

820,000

Magnolia Campus Student Parking

600,000

Modular Classroom Building

370,000

**Total PSCC**

**\$ 2,790,000**

**Southwest Tennessee Community College**

F Building Renovations

\$ 190,000

Whitehaven Renovations

5,600,000

**Total STCC**

**\$ 5,790,000**

**Volunteer State Community College**

Campus Loop Road Extension

\$ 3,000,000

Wood Campus Center Upgrades

3,000,000

**Total VSCC**

**\$ 6,000,000**

**TTC Nashville**

Aviation Hanger Construction

\$ 100,000

**Total TTC Nashville**

**\$ 100,000**

**Total Tennessee Board of Regents**

**\$ 90,050,000**

**University of Tennessee System**

**University of Tennessee Chattanooga**

West Campus Parking & Housing Complex Planning

\$ 2,500,000

Arena Renovations Planning

100,000

Dining Services Improvements

1,000,000

Life Sciences Laboratory Facility Planning

3,000,000

**Total UTC**

**\$ 6,600,000**

**UT Institute of Agriculture**

Energy & Enviro. Sciences Education Ctr. Planning	\$	2,000,000
<b>Total UTIA</b>	<b>\$</b>	<b>2,000,000</b>

**University of Tennessee Knoxville**

Phillip Fulmer Way Expansion	\$	15,000,000
Greve Hall Improvements Phase 2		4,000,000
Panhellenic Building Renovation Phase 2		4,000,000
Lab Renovations		11,000,000
Deferred Maintenance		12,500,000
New Student Housing Planning		3,000,000
<b>Total UTK</b>	<b>\$</b>	<b>49,500,000</b>

**UT Martin**

Fine Arts Renovation and Addition Planning	\$	500,000
Football Pressbox Improvements Planning		100,000
<b>Total UTM</b>	<b>\$</b>	<b>600,000</b>

<b>Total University of Tennessee</b>	<b>\$</b>	<b>58,700,000</b>
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<b>Grand Total</b>	<b>\$</b>	<b>148,750,000</b>
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The UT Chattanooga request for Mackenzie Arena Seating & Curtain System Improvements in the amount of \$1,200,000 and the UT Knoxville request for Shelbourne Tower Renovation in the amount of \$18,000,000 as identified on page A-151 of the 2012-2013 Budget Document are to be canceled.

**OTHER PROVISIONS**

AND FURTHER AMEND in Section 29 by inserting the following new item at the end of the section:

Item \_\_\_\_\_. From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

AND FURTHER AMEND in Section 9, Item 4, by deleting the words "investment performance" and substituting in lieu thereof the words "investment and pensions administration performance" and by deleting the words "investment staff" and inserting in lieu thereof the words "investment and administrative staff".

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AND FURTHER AMEND in Section 9, Item 5, by deleting the words and punctuation “for payment of Unclaimed Property – Claims” and inserting in lieu thereof the words and punctuation “, Unclaimed Property, for payment of claims and claims administrative expense”.

AND FURTHER AMEND in Section 34 of the printed bill by inserting a new item to read:

Item \_\_\_. To the administration and support services programs in Section 1, Title III-10, Items 1.1 through 1.7, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation.

AND FURTHER AMEND in Section 35 of the printed bill by inserting a new item to read:

Item \_\_\_. To the University of Tennessee System in Section 1, Title III-10, Item 3 to provide for technical corrections to the allocation of funding for 401K benefits.

AND FURTHER AMEND in Section 36, by deleting Item 56 in its entirety and inserting in lieu thereof the following:

Item 56. To the Treasury Department for college savings incentive initiatives and a college savings plan in Public Acts of 2010, Chapter 1108, Section 1, Title III-1, Item 7.3, and Section 35, Item 3; and Public Acts of 2011, Chapter 473, Section 1, Title III-1, Item 7.3, and Section 72, Item 3, and Section 36, Item 60.

AND FURTHER AMEND in Section 36 of the printed bill by inserting new items at the end of the section to read:

Item \_\_\_. To the Department of Children’s Services in Section 1, Title III-23 to fund operational expenses during the closure process of the Taft Youth Developmental Center. The carry-forward amount is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. To the Department of Environment and Conservation in Section 1, Title III-5, the unexpended balance of the \$750,000 non-recurring appropriation for May 2010 flood, stream debris removal and repair.

AND FURTHER AMEND in Section 41 by inserting the following new items at the end of the section:

Item \_\_\_. For the purpose of defraying administrative costs of authorized programs of the Tennessee Local Development Authority, there is hereby appropriated to the Tennessee Local Development Authority an amount not to exceed \$700,000 from loan repayment amounts attributable to community provider loans. Such amounts shall be determined as necessary by the State Funding Board and the Tennessee Local Development Authority.

Item \_\_\_. Court Interpreter Services. The cost increase described in the Budget Document on page B-212 as “General Sessions Courts – Interpreter Services” is incorrectly described in the Budget Document. From the appropriation to the Court System, Administrative Office of the Courts, in Section 1, Title II, Item 13, the sum of \$2,000,000 hereby is appropriated for the purpose of providing interpreter services, in accordance with the rules prescribed by the Supreme Court, to persons with limited English language proficiency who have a matter before courts established by or



pursuant to Tennessee law. Provided further that the appropriation is authorized to be transferred by the Commissioner of Finance and Administration to a new line item to be called Court Interpreter Services; and provided further that the commissioner, subject to approval of the Administrative Director of the Courts, is authorized to transfer the sum of \$1,000,000 from Indigent Defendants Counsel to Court Interpreter Services, such sum being the estimated amount that otherwise would be expended for interpreter services to indigent defendants in criminal cases in the state courts.

Item \_\_\_. Settlement and Judgment Awards and Similar Awards. In addition to the appropriations in Public Acts of 2011, Chapter 473, and in this act, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards hereby are appropriated for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. At June 30, 2012, and any subsequent fiscal year end, the unexpended balance of such funds shall be reserved and carried forward for expenditure in the subsequent fiscal year; and such funds as are carried forward hereby are appropriated for the intended purposes. The provisions of this item shall not require the reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item \_\_\_. Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

#### **OVER-APPROPRIATION AND REVERSION ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language and punctuation from Item 1(a) in Section 43 of the printed bill:

“and a non-recurring reversion of \$94,500,000.”

and by substituting instead the following:

“and a non-recurring reversion of \$107,100,000.”

AND FURTHER AMEND by inserting a new sub-item in Item 1 in Section 43 of the printed bill to read:

(c) In fiscal year 2012-2013 to recognize an Office for Information Resources (OIR) rate decrease in the estimated recurring amount of \$2,600,000 by reducing appropriations made in Section 1 of this act.

**TENN-CARE FEDERAL PROGRAM EXPANSION**

AND FURTHER AMEND by inserting a new item in Section 48 of the printed bill to read:

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

**2012-2013 SALARY POLICY**

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 49 of the printed bill and by renumbering the subsequent items in Section 49.

AND FURTHER AMEND by inserting a new paragraph at the end of the newly designated Item 4 in Section 49 (Item 5 of the printed bill) to read:

From the \$15,000,000 appropriation it is the legislative intent to earmark for non-executive agencies the following amounts in fiscal year 2012-2013:

Legislature .....	\$ 253,500.00
Fiscal Review Committee.....	12,000.00
Court System .....	244,500.00
Attorney General and Reporter .....	550,000.00
Secretary of State .....	225,000.00
Comptroller of the Treasury .....	379,500.00
Treasury Department .....	1,500.00
Total Non-Executive Agencies .....	\$1,666,000.00

AND FURTHER AMEND in Section 60 of the printed bill by adding the following at the end of the first paragraph:

Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

### **HOUSEKEEPING PROVISIONS**

AND FURTHER AMEND in Section 1, Title III-30, in the fourth paragraph thereof, by deleting the word "Chairmen" in both instances and substituting in both places the word "Chairs".

AND FURTHER AMEND in Section 3, Item 1, in the third paragraph, by deleting the word "chairman" and substituting in lieu thereof the word "chair".

AND FURTHER AMEND and in Section 6, Item 12, by deleting the citation "Senate Bill \_\_\_\_ / House Bill \_\_\_\_" in both instances and substituting in lieu thereof in both places the citation "Senate Bill 3769 / House Bill 3836".

AND FURTHER AMEND in Section 7, Item 1, by deleting the date "2011-2012" and substituting in lieu thereof the date "2012-2013".

AND FURTHER AMEND in Section 7, Item 2, by deleting the word "Chairman" and substituting in lieu thereof the word "Chair" and by deleting the word "him" in both instances and in the first instance substituting the words "the Chair" and in the second instance substituting the words "the Secretary".

AND FURTHER AMEND in Section 7, Item 12, by deleting the word "firemen" and substituting in lieu thereof the word "firefighters", by deleting the word "fireman's" and substituting the word "firefighter's", and by deleting the word "his" and substituting the word "the".

AND FURTHER AMEND in Section 7, Item 13, by deleting the word "his" and substituting in lieu thereof the word "the".

AND FURTHER AMEND in Section 8, Item 5, by deleting the first comma and by inserting after the word and punctuation "General," the words and punctuation "in accordance with Tennessee Code Annotated, Section 8-6-106,".

AND FURTHER AMEND in Section 8, Item 11, by deleting the word "Agency" and inserting in lieu thereof the word "Authority".

AND FURTHER AMEND in Section 8, Item 16(e) by deleting the words and citation "and Section 67-4-606".

AND FURTHER AMEND in Section 8, Item 19(e) by deleting the word "Authority" and substituting in lieu thereof the word "Agency".

AND FURTHER AMEND in Section 8, Item 30(b) by deleting the words and date "Act of 1989" and substituting in lieu thereof the words "Incentive Account".

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AND FURTHER AMEND in Section 8, Item 37, by deleting the word “unit” and substituting in lieu thereof the word “Division”.

AND FURTHER AMEND in Section 10, Item 16, of the printed bill by inserting after the citation “Item 2,” the words “and in Section 68, Item 1 (8),” and by deleting the amount “\$35.00” in all three places and inserting in lieu thereof the amount “\$37.00”.

AND FURTHER AMEND in Section 10, Item 17, by deleting the amount “five hundred dollars (\$500.00)” and substituting in lieu thereof the amount “one thousand dollars (\$1,000.00)”.

AND FURTHER AMEND in Section 10, Item 25, by deleting the word “specialty” and inserting in lieu thereof the words and punctuation “cultural, specialty earmarked, new specialty earmarked, and collegiate”; and by inserting the following before the period at the end of the sentence: “, as provided in Tennessee Code Annotated, Title 55, Chapter 4”.

AND FURTHER AMEND in Section 10, by renumbering items 30, 31, 32, and 33, as items 28, 29, 30, and 31, respectively.

AND FURTHER AMEND in Section 12, Item 2, by deleting the TCA citation “4-5-209” and substituting in lieu thereof the citation “4-5-208”.

AND FURTHER AMEND in Section 12, Item 3, by deleting the words “bill is minimal” and inserting in lieu thereof the words “bill as enacted is minimal”.

AND FURTHER AMEND in Section 15, Item 7 of the printed bill by deleting the words “Finance and Administration” in two places in the item and substituting instead the words “General Services” in both places.

AND FURTHER AMEND in Section 20 by deleting the year “2012” and substituting in lieu thereof the year “2013”.

AND FURTHER AMEND in Section 23, Item 1, in the second paragraph, in its first sentence, by deleting the words “estimated federal” and inserting in lieu thereof the word “federal”.

AND FURTHER AMEND the printed bill in Section 23, Item 3, by deleting the item in its entirety and by substituting instead the following:

Item 3. The capital budget and appropriations for capital outlay shall be presented as provided in Senate Bill 2418 / House Bill 2552 or Senate Bill 3771 / House Bill 3839, if such provisions in either bill become law. If such provisions in either cited bill do not become law, the following provisions of this item shall not apply and Tennessee Code Annotated, Section 9-4-5108(b) shall apply; if such provisions in either cited bill become law, then the provisions of such bill and the following provisions of this item shall apply:

The capital budget, to be included in part 3 of the budget document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars (\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be

specified in such detail in the budget document as the Governor shall determine. Appropriations for capital improvement and capital maintenance projects shall be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the budget document.

AND FURTHER AMEND in Section 23, Item 4, of the printed bill by deleting the word "Chairmen" and inserting in lieu thereof the word "Chairs".

AND FURTHER AMEND in Section 26, Item 6, by deleting, in the first instance in which they appear, the words "as authorized under" and substituting in lieu thereof the words "at the same rates and in the same manner provided by".

AND FURTHER AMEND in Section 28 by inserting after the word "Administration" at the end of the second sentence the words "and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304".

AND FURTHER AMEND in Section 31 of the printed bill by:

(a) deleting the following language:

2. Mental Health Services block grant in the amount of \$8,174,600

and inserting in lieu thereof the following:

2. Mental Health Services block grant in the amount of \$10,374,600

; and,

(b) deleting the following language:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$30,275,500

and inserting in lieu thereof the following:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,275,500

AND FURTHER AMEND in Section 35, Item 1, by inserting after the word and punctuation "Counsel," the words and punctuation, "Court Interpreter Services,".

AND FURTHER AMEND in Section 36, Item 57, by deleting the citation "Section 77, Item 19" and inserting in lieu thereof the citation "Section 41, Item 35, of this act".

AND FURTHER AMEND in Section 36, Item 4, by deleting the TCA citation "67-4-606(a)(B)(9)" and substituting in lieu thereof the citation "67-4-606(a)(9)".

AND FURTHER AMEND in Section 41, Item 19, by deleting the words and punctuation "(d) Governor's Schools; and (e) Governor's Institute for Science and Math" and inserting in lieu thereof the words and punctuation "and (d) Governor's Schools".

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AND FURTHER AMEND in Section 41, Item 20, by deleting the words “the Tennessee Infant Parent Services School” and inserting in lieu thereof the words “Tennessee Early Intervention Services”.

AND FURTHER AMEND in Section 41, Item 24, by deleting the word “rent” and inserting in lieu thereof the word “rental”.

AND FURTHER AMEND in Section 41, Item 33, by deleting the TCA citation “67-801(b)(1)” and substituting in lieu thereof the citation “67-1-801(b)(1)”.

AND FURTHER AMEND by inserting new items at the end of Section 41 of the printed bill to read:

Item \_\_. The Commissioner of Finance and Administration is authorized to establish three (3) additional full-time positions in the Department of Environment and Conservation, State Parks, to correct a position count error.

Item \_\_. The Commissioner of Finance and Administration is authorized to establish one (1) additional full-time position in the Comptroller of the Treasury, Division of County Audit, to correct a position count error.

AND FURTHER AMEND in Section 48 of the printed bill by deleting in Item 7 the date “June 30, 2012” and the figure “\$10,100,000” and by substituting instead the date “June 30, 2013” and the figure “\$8,969,100”.

AND FURTHER AMEND by adding the following new sections:

**LEGISLATIVE SOURCE ADJUSTMENTS**

**SECTION 72.**

Item 1. The appropriation in Section 1, Title III-9, Item 2.1(b) to the Department of Education, Career Ladder, is reduced by the sum of \$1,500,000 (recurring) for the purpose of recognizing program savings because of attrition.

Item 2. At June 30, 2012, the sum of \$15,000,000 shall be transferred to the General Fund from Tennessee Emergency Management Agency (TEMA), Reserve for Disaster Relief, and the remaining unexpended balance of TEMA disaster relief appropriations and reserves shall be carried forward at June 30, 2012, and hereby is appropriated for expenditure in the year beginning July 1, 2012. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

Item 3. The appropriation in Section 1, Title III-29, to the Facilities Revolving Fund, Capital Projects, is reduced by \$5,500,000 for the purpose of reducing to \$69,500,000 the Office Consolidation Project identified on page A-170 of the 2012-2013 Budget Document.

Item 4. Of the appropriation in Section 1, Title III-8, Item 3, to the Department of Economic and Community Development, FastTrack Infrastructure and Job Training Assistance Program, and identified on page B-330 of the 2012-2013 Budget Document

as a cost increase of \$10,000,000 recurring and \$10,000,000 non-recurring, the recurring sum of \$10,000,000 hereby is designated as a non-recurring appropriation, such that the entire \$20,000,000 FastTrack program cost-increase described on page B-330 shall be non-recurring.

Item 5. Of the appropriation in Section 1, Title III-9, Item 2.1(c), to the Department of Education, Basic Education Program (BEP), and identified as core-services continuation of BEP ADM Growth Funding on page 118 of the 2012-2013 Budget Document, Volume 2, a sum of \$3,500,000 hereby is designated as a non-recurring appropriation.

### **DEDICATED SOURCE & EARMARKS**

#### **SECTION 73.**

##### **Item 1.**

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Chapter 734 of the Public Acts of 2012, Chapter 739 of the Public Acts of 2012, Chapter 740 of the Public Acts of 2012, Senate Bill 2278 / House Bill 2682, Senate Bill 2401 / House Bill 2329, Senate Bill 2678 / House Bill 2803, Senate Bill 2684 / House Bill 2794, Senate Bill 2732 / House Bill 2793, Senate Bill 2733 / House Bill 2878, Senate Bill 2778 / House Bill 3570, House Joint Resolution 872, and Senate Joint Resolution 629, if such bills and resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act. It is the legislative intent that such funding be earmarked for implementation of such bills and resolutions in the fiscal year ending June 30, 2013, and in subsequent fiscal years.

(c) This item shall take effect upon becoming a law, the public welfare requiring it.

Item 2. From funds available and appropriated to the Department of Commerce and Insurance (Scrap Metal Registration Program), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 2895 / House Bill 3246, relative to scrap metal dealers, if such bill becomes law.

Item 3. From funds available and appropriated to the Department of Health (Division of Health Related Boards), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3644 / House Bill 3688, relative to electronic notifications, if such bill becomes law.

Item 4. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 3655 / House Bill 3690, relative to licenses for disabled minors, if such bill becomes law.

Item 5. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$400 for the sole purpose of implementing Senate Bill 3590 / House Bill 2776, relative to reorganization of the agency, if such bill becomes law.

Item 6. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 2403 / House Bill 2294, relative to licenses for persons with intellectual disabilities, if such bill becomes law.

Item 7. From funds appropriated the University of Tennessee System and the Tennessee Board of Regents System, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3022 / House Bill 3665, relative to higher education, if such bill becomes law.

Item 8. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 221, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 9. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution 183 and/or Senate Joint Resolution 710, in accordance with Section 3 of Article XI of the Tennessee Constitution, if either, or both, such resolutions are adopted.

Item 10. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 222, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 11. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771 / House Bill 3839, if such bill becomes law.

### **LEGISLATIVE INITIATIVES**

#### **SECTION 74.**

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill 2863 / House Bill 3213, Senate Bill 3155 / House Bill 3272, Senate Bill 2368 / House Bill 2488, Senate Bill 2371 / House Bill 2493, Senate Bill 1325 / House Bill 1379, Senate

5655

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Bill 3005 / House Bill 2868, Senate Bill 2349 / House Bill 2311, Senate Bill 2606 / House Bill 2655, Senate Bill 2759 / House Bill 3082, Senate Bill 2129 / House Bill 2309, Senate Bill 2886 / House Bill 3225, Senate Bill 2438 / House Bill 2733, Senate Bill 3176 / House Bill 2334, Senate Bill 2066 / House Bill 2114, Senate Bill 2819 / House Bill 2663, and Senate Joint Resolution No. 701, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the department of finance and administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (recurring) to the department of finance and administration for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the Tennessee department of health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Crumley House located in Washington County, to be used for the provision of programs and services on behalf of persons suffering from traumatic brain injuries.

Item 6. In addition to any other funds appropriated by the provision of this act, there is appropriated the sum of \$125,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Memphis Oral School for the Deaf, to be used for programs and operational expenses.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Health for the sole purpose of the vaccine billables project.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Administrative Office of the Courts for the sole purpose of making grants to legal aid programs in each grand division to be used for domestic violence prevention and services.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Department of Tourist Development for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$316,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

35% to Second Harvest Food Bank of Middle Tennessee;  
25% to Memphis Food Bank;  
20% to Second Harvest Food Bank of East Tennessee;  
10% to Chattanooga Area Food Bank;  
10% to Second Harvest Food Bank of Northeast Tennessee.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Economic and Community Development for the sole purpose of local planning transition grants. It is the intent of the General Assembly that each of the nine (9) development districts receive \$50,000.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$120,000 (recurring) to the Commission on Children and Youth for the sole purpose of making grants of \$15,000 each to seven (7) counties participating in the Court Appointed Special Advocates (CASA) program and to one (1) additional county seeking to participate in the program, bringing the total counties receiving state funds to forty-five (45).

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,681,500 (non-recurring) to the Department of Intellectual and Developmental Disabilities for the sole purpose of restoring funding for the Family Support Program that provides assistance to developmentally disabled individuals who do not qualify for intellectual disabilities services.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee Bureau of Investigation (TBI) for the sole purpose of making grants to local governments in which

Crime Stoppers operates. The TBI is authorized to award such grants upon application submitted by a local government as required by the TBI.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$180,000 (non-recurring) to the Department of Education for the sole purpose of grants-in-aid to science alliance museums.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Department of Education for the sole purpose of restoring funds for school internet connectivity.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of training and improving administrative practices for drug task forces.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$105,000 (non-recurring) to the Department of Education for the sole purpose of career and technical education programming implemented through the Tennessee Alliance of Boys & Girls Clubs.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of hosting the National Association of Prosecutor Coordinators (NAPC) conference in Nashville during December 2012.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$49,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the Secret Safe Place for Newborns, to be used for the purpose of informing the community of safe, secret options under the Safe Haven Law.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated an amount up to \$100,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of research and publication of up to one thousand two hundred (1,200) hardbound copies of the next volume of the Biographical Directory of the Tennessee General Assembly.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$206,300 (non-recurring) to the Department of Health, Bureau of Health Services, Community and Medical Services, for the sole purpose of restoring funding for the epilepsy program.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation, to be used for general operating costs to help prevent and resolve issues related to substance abuse.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to a Tennessee nonprofit fund supporting services to communities of greatest need to be used for enterprise development week youth economic summits in Nashville, Chattanooga and Memphis.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Bridge of Hope, to be used to provide human trafficking training programs to law enforcement officers.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.

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Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the University of Tennessee System for the sole purpose of programs and services provided through the UT Law Enforcement Innovation Center.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee CASA, to be used for programs and services.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of making a grant in such amount to the Chickasaw Basin Authority.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$35,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of conducting an audit of war memorials to ensure that all appropriate individuals have been listed on such memorials. No later than December 1, 2012, the commission shall report to the members of the finance, ways and means committees of the senate and the house of representatives on the physical condition of the various memorials to identify substandard memorials. The commission shall develop a plan to remedy any problems discovered with such memorials.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$5,000,000 (non-recurring) to the Board of Regents, for the purpose of capital improvements at Roane State Community College (Oak Ridge Campus), Chattanooga State Community College, Jackson State Community College, Dyersburg State Community College (Covington Campus), and Walters State Community College.

Item 39. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 (non-recurring) to the Tennessee Arts Commission for the sole purpose of making grants for musical heritage in each grand division of the state.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in non-urban counties, to be used for programs, services and operational expenses.

Item 41. To the University of Tennessee, \$5,000,000 is made available from National Academy-Level Faculty unobligated reserves for use toward the completion of the Joint Institute for Advanced Materials Science (JIAMS) research laboratory facility at Cherokee Farm. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it.

Item 42. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the Department of Education for the sole purpose of making a grant in such amount to the Education Equal

Opportunity Group, Inc. (EEOG), to be used to support student participation in EEOG programs for at-risk and under-served students.

Item 43. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of the continuation of the historical interpretation pilot project. It is the intent of the General Assembly that such funds be distributed to the same property funded in Section 77, Item 7, of Chapter 473 of the Public Acts of 2011.

Item 44. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the town of Somerville, to be used for seed money in the town's efforts to build a facility for higher education.

Item 45. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to E.M. Jellinek Center of Knoxville, Tennessee, to be used for programs, services, and operational expenses related to substance abuse treatment.

Item 46. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000,000 (non-recurring) to the board of regents for the purpose of providing equipment for and expanding programs at the Tennessee technology centers.

### **LANGUAGE AMENDMENTS**

#### **SECTION 75.**

Item 1. From the funds appropriated by this act, the department of finance and administration is directed to study the increasing prices of gasoline compared to the applicable rate of mileage reimbursement paid to state employees, excluding members of the general assembly, for using personally owned or leased vehicles in the course of official state business. The department shall propose recommendations arising from the study, including recommendations for increasing the rate of reimbursement when the average price of regular gas in this state exceeds four dollars (\$4.00) per gallon or a higher amount, as certified by the American Automobile Association's ("AAA") Daily Fuel Gauge Report. Such recommendations shall be reported to the chairs of the finance, ways and means committees of the senate and the house of representatives no later than December 1, 2012.

Item 2. Each state agency shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis when the agency applies for a federal grant of more than \$100,000.

Item 3. From the appropriations made in this act, the Department of Finance and Administration, Bureau of TennCare, is requested to examine the impact to the budget of moving the CoverKids program, Tennessee's Children's Health Insurance Program

(CHIP), into the TennCare program. The Bureau of TennCare shall report no later than January 1, 2013 to the chairs of the finance, ways and means committees of the senate and the house of representatives on the budget impact.

Item 4. It is the legislative intent that in the fiscal year ending June 30, 2013 and in subsequent fiscal years, any required reversion to the general fund balance from any unexpended funds available to the Secretary of State, Division of Public Documents, be reduced by a sum sufficient and transferred to the division for the sole purpose of funding any joint resolution, that becomes law, calling for an amendment to the Tennessee Constitution. It is the legislative intent that such funding be used to provide notice of any constitutional amendments proposed by the General Assembly.

Item 5. From the appropriations made in this act, the Administrative Office of the Courts is requested to conduct a statewide study of the assessment of all unpaid court fees, fines and costs compared to the actual collection of such fees, fines and costs. The study shall be limited to those assessments and collections made in the 2011-2012 fiscal year. The results of the study, including any recommended legislation, shall be reported to the chairs of the finance, ways and means committees, the judiciary committees of the senate and house of representatives, and the executive director of the fiscal review committee no later than January 1, 2013.

Item 6. It is the intent of the General Assembly that state funding for kindergarten not be reduced in any subsequent fiscal year due to the provisions of Senate Bill 2630 / House Bill 2566, relative to age for school attendance, if such bill becomes law.

SECTION 76. The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there is hereby appropriated a sum sufficient for implementation of any legislation cited, or otherwise described by category, in this act that has an effective date prior to July 1, 2012.

#### **FACILITIES REVOLVING FUND (FRF)**

SECTION 77. It is the legislative intent to recognize revisions in the Facilities Revolving Fund (FRF) capital improvements and capital maintenance projects listed on pages A-170 and A-171 of the 2012-2013 budget document. The projects are funded by appropriations made in Section 1, Title III-29, Item 4, and in Section 4, Title III-26, Item 4, of this act and from residual bond reserves of the Facilities Revolving Fund.

Item 1. In addition to the projects identified in the 2012-2013 budget document, \$4,720,000 is provided from revenues of the Facilities Revolving Fund for Capital Maintenance – Management Support Services.

Item 2. In addition to the projects identified in the 2012-2013 budget document, \$3,900,000 is provided from residual bond reserves (\$3,100,000) of the Facilities Revolving Fund and Office of Information Resources revenues (\$800,000) for the OIR Data Center North Renovation.

Item 3. The Davy Crockett Building Renovations project in the amount of \$1,000,000, as identified in the 2012-2013 budget document is hereby increased by

\$2,720,000 in state appropriations, and \$1,480,000 from revenues of the Facilities Revolving Fund.

Item 4. In addition to the projects identified in the 2012-2013 budget document, \$427,300 is provided from revenues of the Facilities Revolving Fund to address security upgrades of the Legislative Plaza.

Item 5. The Rachel Jackson Building Renovations project in the amount of \$2,200,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 6. The R.S. Gass Laboratory Interior Renovations project in the amount of \$2,450,000, as identified in the 2012-2013 budget document, is hereby reduced by \$1,800,000.

Item 7. The John Sevier Interior Renovation project in the amount of \$6,000,000 as identified in the 2012-2013 budget document, is hereby canceled.

Item 8. The Central Services Building Interior Renovation project in the amount of \$1,950,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 9. The TPS Hardison Complex Flooring Updates project in the amount of \$440,000, as identified in the 2012-2013 budget document, is hereby canceled.

### **PUBLIC DEFENDER OFFICES**

#### **SECTION 78. Public Defender Offices in Davidson and Shelby Counties.**

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The commissioner of finance and administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the speakers of the senate and house of



representatives; the chairs of the finance, ways and means committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders"; the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 budget document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

### **HIGHER EDUCATION LOTTERY SCHOLARSHIPS**

AND FURTHER AMEND by adding the following language as new items to Section 52:

Item 6. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2687 / House Bill 3332, relative to a short form lottery scholarship application, if such bill becomes a law.

Item 7. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3599 / House Bill 3816, relative to lottery scholarships for home school students, if such bill becomes a law.

Item 8. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3170 / House Bill 3622, relative to the eligibility status of the Art Institute of Nashville, if such bill becomes a law.

Item 9. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2919 / House Bill 3114, relative to the Tennessee STEP UP scholarship program, if such bill becomes a law.

### **MISCELLANEOUS**

AND FURTHER AMEND by adding the following paragraph to the end of Section 23, Item 3:

The Commissioner of Finance and Administration shall provide a written quarterly report to the director of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

AND FURTHER AMEND by adding the following sentence to the end of Section 63, Item 2:

It is the intent of the general assembly that such funds shall not be distributed by means of the higher education formula.

AND FURTHER AMEND by deleting the item within Section 29 which reads as follows:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

and by substituting instead the following language:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system. The Tennessee Board of Regents shall file a written report with the chairs of the Education Committees of the Senate and House of Representatives concerning the provisions of this item.

AND FURTHER AMEND by adding the following sentence to the end of the item within Section 41 which begins "Settlement and Judgment Awards and Similar Awards":

The Attorney General and Reporter shall file a written report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the

sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

and by substituting instead the following:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

AND FURTHER AMEND by deleting the language "\$107,100,000" from Section 43, Item 1 and by substituting instead the language "\$107,300,000".

AND FURTHER AMEND by deleting the item within Section 48 which reads as follows:

There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

(1) Insert between Sections 64 and 65 of the printed bill any new sections added to the bill so that Sections 65 through 69 of the printed bill will be the renumbered final sections of the engrossed bill;

(2) Delete the bold underlined explanatory headings in this amendment; and

(3) Exclude this paragraph from the engrossed bill.

/s/ Senator Jim Kyle

/s/ Representative Craig Fitzhugh

/s/ Representative Mike Turner

Rep. Fitzhugh moved that the Conference Committee Minority Report No. 1 on House Bill No. 3835 be adopted and made the action of the House.

Rep. McCormick moved that the Conference Committee Minority Report No. 1 be tabled, which motion prevailed by the following vote:

Ayes .....	64
Noes.....	30

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Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 64

Representatives voting no were: Armstrong, Bass, Brown, Curtiss, DeBerry J, Favors, Fitzhugh, Hardaway, Harmon, Jones, Kernell, Lollar, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 30

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. J. Turner voted “no” on the tabling motion to the Conference Committee Minority Report No. 1 to **House Bill No. 3835**.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on the tabling motion to the Conference Committee Minority Report No. 1 to **House Bill No. 3835** and have this statement entered in the Journal: Rep(s). Lollar.

### PRESENT IN CHAMBER

Representative(s) L. DeBerry was/were recorded as being present in the Chamber.

### HOUSE ACTION ON SENATE MESSAGES, CONTINUED

Rep. Fitzhugh requested that Conference Committee Minority Report No. 2 be moved to the heel.

### CONFERENCE COMMITTEE MINORITY REPORT NO. 3 ON HOUSE BILL NO. 3835

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3835 / Senate Bill No. 3768 has met and recommends that the following amendments be deleted:

- House Amendment No. 2
- House Amendment No. 3
- Senate Amendment No. 18
- Senate Amendment No. 4
- Senate Amendment No. 5
- Senate Amendment No. 6
- Senate Amendment No. 7

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The Committee further recommends that the following amendment be adopted:

By deleting each and every section of House Bill 3835 / Senate Bill 3768 and by substituting instead new Sections 1 through 69, namely:

Sections 1 through 69 of House Bill 3835 / Senate Bill 3768 as filed for introduction on February 6, 2012, and considered to be part of this amendment.

**ADMINISTRATION AMENDMENT**  
**2011-2012 SUPPLEMENTAL APPROPRIATIONS**

AND FURTHER AMEND by deleting the following language from Section 38 of the printed bill:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 3,382,500.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
	TOTAL .....	\$ 147,909,500.00

and by substituting instead:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 1,280,200.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
2.	Sales Tax Disaster Relief .....	525,000.00
	Total Revenue .....	\$ 3,025,000.00
	TOTAL .....	\$ 146,332,200.00

Provided further that the line item appropriation in the amount of \$525,000.00 relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by Senate Bill 2701 / House Bill 2889, if it becomes a law.

From the appropriation to the Department of Economic and Community Development in the amount of \$34,000,000 for headquarters relocation assistance, it is the legislative intent to make the following allocations to the Volkswagen Project: (a) \$19,110,000 for site preparation and infrastructure; (b) \$684,000 to FastTrack Infrastructure and Job Training Assistance for training a third shift; and (c) \$371,000 to Business Development for recruitment purposes.

The appropriations to the Department of Mental Health and to the Department of Economic and Community Development, including allocations to the Volkswagen

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Project, shall not revert to the general fund at June 30, 2012, and are hereby reappropriated in the fiscal year beginning July 1, 2012.

AND FURTHER AMEND in Section 41 of the printed bill by inserting a new item as follows:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is appropriated the sum of \$1,400,000 (non-recurring) to Loan/Scholarships Programs for the graduate nursing loan forgiveness program. The appropriation is intended to reinstate a non-recurring appropriation that reverted to the general fund balance. Pursuant to Tennessee Code Annotated, Section 49-4-702(d), this appropriation shall not revert to the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following items:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is reappropriated from the TennCare reserve the sum of \$58,700,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item \_\_\_. In the fiscal year ending June 30, 2013, there hereby is reappropriated from the TennCare reserve the sum of \$65,000,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by inserting a new section, to follow Section 70 of this amendment, to read as follows:

SECTION 71. Supplemental Appropriation for Land Acquisition. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In the fiscal year ending June 30, 2012, it is the legislative intent to recognize a contingency appropriation in the amount of \$8,800,000 for land acquisition made under the provisions of Section 75 in Chapter 473, Public Acts of 2011. Funding for the appropriation is identified in the 2012-2013 budget document on page A-10 (\$8,500,000) and in the administration budget amendment overview (\$300,000). Any unexpended balance of the appropriation at June 30, 2012, is hereby reappropriated to be expended in the 2012-2013 fiscal year for the purpose stated in Section 75 of Chapter 473, Public Acts of 2011.

**2012-2013 ITEMS AFFECTING REVENUE AVAILABILITY**

AND FURTHER AMEND by deleting in its entirety Item 9 in Section 43 of the printed bill and substituting instead the following:

Item 9. Pursuant to Tennessee Code Annotated, Section 67-6-103(k), there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$400,000 in the fiscal year ending June 30, 2012 and the sum of \$1,000,000 in the fiscal year ending June 30, 2013.

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It is the legislative intent that \$600,000 of the \$1,000,000 apportionment is for the purpose of funding the state share of the mandated local cost of Senate Bill 2251 / House Bill 2389, relative to domestic violence, if that bill becomes a law. If that bill does not become a law, then the apportionment to the County Revenue Partnership Fund in the year ending June 30, 2013, shall be \$400,000.

AND FURTHER AMEND by deleting the following language from Title III-31 in Section 1 of the printed bill:

4. Amortization of Authorized and Unissued Construction Bonds ..	88,450,000.00
Total Title III-31 .....	\$ 436,460,000.00

and by substituting instead the following:

4. Amortization of Authorized and Unissued Construction Bonds ..	84,750,000.00
Total Title III-31 .....	\$ 432,760,000.00

**CERTAIN SECTION 1 AND 4 AMENDMENTS**

AND FURTHER AMEND by deleting the following language from Title III-22 in Section 1 of the printed bill:

13. State Employees 2.5% Salary Increase.....	36,000,000.00
27. Severance Benefit Plan.....	2,900,000.00
33. Temporary Office Space .....	6,000,000.00
Total Title III-22 .....	\$ 139,085,300.00

and by substituting instead the following:

13. State Employees 2.5% Salary Increase.....	35,500,000.00
27. Severance Benefit Plan.....	2,100,000.00
33. Temporary Office Space .....	11,400,000.00
34. OIR – Mainframe Outsourcing .....	3,700,000.00
Total Title III-22 .....	\$ 146,885,300.00

AND FURTHER AMEND in Section 1 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

- 14. Department of Mental Health

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1.	Administration		
1.1	Administrative Services Division .....	\$	13,653,000.00
	Total Administration.....	\$	13,653,000.00
2.	Mental Health Services		
2.1	Middle Tennessee Mental Health Institute .....	\$	27,250,000.00
2.2	Western Mental Health Institute.....		19,656,700.00
2.3	Moccasin Bend Mental Health Institute.....		16,379,800.00
2.4	Memphis Mental Health Institute .....		17,110,000.00
2.5	Community Mental Health Services.....		72,854,100.00
2.6	Major Maintenance .....		450,000.00
	Total Mental Health Services.....	\$	153,700,600.00
3.	Alcohol and Drug Abuse Services		
3.1	Community Alcohol and Drug Abuse Services .....	\$	17,190,600.00
	Total Alcohol and Drug Abuse Services .....	\$	17,190,600.00
	Total Title III-14 .....	\$	184,544,200.00

AND FURTHER AMEND in Section 4 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health		
1.	Administration		
1.1	Administrative Services Division .....	\$	4,731,400.00
	Total Administration.....	\$	4,731,400.00
2.	Mental Health Services		
2.1	Community Mental Health Services.....	\$	18,300,400.00
2.2	Middle Tennessee Mental Health Institute .....		14,890,200.00
2.3	Western Mental Health Institute.....		13,823,500.00
2.4	Moccasin Bend Mental Health Institute.....		11,467,600.00
2.5	Memphis Mental Health Institute .....		4,094,900.00
	Total Mental Health Services.....	\$	62,576,600.00
3.	Alcohol and Drug Abuse Services		
3.1	Community Alcohol and Drug Abuse Services .....	\$	35,255,800.00
	Total Alcohol and Drug Abuse Services .....	\$	35,255,800.00
	Total Title III-14 .....	\$	102,563,800.00

AND FURTHER AMEND the printed bill by inserting the following new paragraphs immediately after the introductory paragraph of Section 64 and by inserting the following additional sections immediately after Section 64 as amended and renumbering subsequent sections of the printed bill accordingly:

**LEGISLATION RECONCILIATION**

Provided that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Federal and

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other departmental revenue adjustments may be made as indicated in the text of the line items or in reconciliation to fiscal notes and to available federal aid. Adjustments to the number of authorized positions indicated in the line items as full-time (FT) and part-time (PT) shall be reconciled to the fiscal notes.

Provided further that the term fiscal note in this item refers to the final fiscal note on the bill as enacted.

Provided further that the line item appropriation in Item 1 for Senate Bill (SB) 2701 / House Bill (HB) 2889, relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by the bill, if it becomes a law, notwithstanding contrary provisions of this section regarding reconciliation to the fiscal note on the enacted bill.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	Recurring	Non- Recurring
1. Misc. Approp. - Administration Legislation - Delete	\$ (2,000,000)	\$ 0
2. SB 884 / HB 984 - Labor & WFD - Unemployment Benefits for Military Spouses – Reduce	(1,200)	0
3. SB 2199 / HB 2337 - Children's Services - Transitioning Youth Empowerment Act (\$4,800 Federal)	1,900	0
4. SB 2210 / HB 2348 - Education - BEP Class Size and Salary Component Change – Delete	(795,000)	0
5. SB 2233 / HB 2371 - Dept. of Revenue - E-Filing	0	0
6. SB 2246 / HB 2384 - Civil Service Reform	0	0
7. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(247,400)	0
8. SB 2250 / HB 2388 - Correction - Felons with Firearms - Incarceration	4,900	0
9. SB 2251 / HB 2389 - Correction - Domestic Violence – Delete – Replaced by \$600,000 State-Shared Revenue to Counties	(780,000)	0
10. SB 2251 / HB 2389 - Correction - Domestic Violence – Incarceration - Delete	(868,200)	0
11. SB 2252 / HB 2390 - Correction - Gang Related Crime - Incarceration - Reduce	(1,913,900)	0
12. SB 2253 / HB 2391 - Health - Prescription Drug Bill - Controlled Substance Monitoring Database	230,300	0
13. SB 2253 / HB 2391 - Mental Health - Prescription Drug Bill - Controlled Substance Monitoring	0	0

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	<u>Recurring</u>	<u>Non- Recurring</u>
Database (\$281,700 Federal)		
14. SB 2253 / HB 2391 - Correction - Prescription Drug Bill - Incarceration	29,100	0
15. SB 2280 / HB 2286 - Correction - Imitation Controlled Substances - Incarceration	86,100	0
16. SB 2701 / HB 2889 - Revenue Dept. - Sales Tax Disaster Relief	250,000	0
17. SB 2809 / HB 2613 - Higher Education - TBR - Dual Credit Courses	150,000	300,000
18. SB 3018 / HB 3175 - Correction - Controlled Substance Analogue - Incarceration	236,100	0
19. SB 3070 / HB 3459 – Secretary of State - Model Business Corporation Act - Computer Programming (\$400 Departmental Revenue)	0	59,500
20. SB 3620 / HB 3727 - Envir. & Cons. - Bicentennial Mall - Andrea Conte Walking Path - Signs	0	6,000
21. SB 3658 / HB 3431 - Labor & WFD - Unemployment Insurance Benefits - Effort to Secure Work	0	122,000
22. SB 3659 / HB 3429 - Labor & WFD - Unemployment Insurance - Internet-Based Electronic Notices (1 FT, 5 PT)	115,500	0
Total	<u>\$ (5,501,800)</u>	<u>\$ 487,500</u>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues. The appropriation line item below for Senate Joint Resolution (SJR) 353, relative to naming a building at McGhee Tyson Air Guard Base, is from federal sources, and the appropriation for that line item shall take effect upon becoming law, the public welfare requiring it.

	<u>Recurring</u>
1. SB 2247 / HB 2385 - Tennessee Regulatory Authority (5 Part-Time Directors, 1 FT Exec. Dir., -3 FT)	\$ (199,700)
2. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(1,200)
3. SB 3094 / HB 3373 - Transportation - S.R. 385 in Shelby & Fayette Counties - Gov. Dunn Parkway - Signs (Highway Fund Earmark)	300
4. SJR 353 - Military - McGhee Tyson Air Guard Base - Building Named for Maj. Gen. Frederick H. Forster (Federal Funds Earmark)	10,500

Total

\$ (190,100)

**OTHER ADDITIONS TO BUDGET**

SECTION 65. Mortgage Servicer Settlement Agreement.

Item 1. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are contingent upon the state's receipt of funds from the national mortgage servicer settlement agreement(s) or consent judgments approved by the U.S. District Court in April 2012. There hereby is appropriated such sums as may be received from this source.

Item 2. The Commissioner of Finance and Administration is authorized to recognize the national mortgage servicer settlement revenue and allot the appropriations or allocate the funds in the manner required by generally accepted accounting principles; and such allotments and allocations shall be made for purposes and in such amounts available, as directed by the Attorney General and Reporter or the Commissioner of Financial Institutions for the funds each receives. If such funds are received or recognized in state revenue accounts as available in the year ending June 30, 2012, the Commissioner of Finance and Administration is authorized to allot a sum sufficient of such funds as may be expended in fiscal year 2011-2012 and to reserve at June 30, 2012 and 2013, the balance of such funds as may be available for expenditure in fiscal year 2012-2013 or thereafter; and such funds as are reserved at June 30, 2012, hereby are appropriated for expenditure in the year beginning July 1, 2012. At the closing of any fiscal year, it is the legislative intent that revenue received through this settlement shall be reserved for the intended purposes until expended.

Item 3. The State of Tennessee estimates that the amount of \$42,432,810 will be received, including \$41,432,810 by the Attorney General and Reporter and \$1,000,000 by the Department of Financial Institutions, for the benefit of the citizens of the State of Tennessee, to be used for purposes consistent with the applicable provisions of the consent judgments, as directed by the Attorney General and Reporter, including foreclosure prevention counseling; other housing and legal assistance programs; related compliance, investigative, enforcement, and education purposes; or to fund other programs reasonably targeted to housing or tenant issues; and to be used, as directed by the Commissioner of Financial Institutions, for Department of Financial Institutions examiner training, information technology support, financial literacy, and consumer education. From the amount of revenue estimated above, the allocations to be made, subject to approval and adjustments by the Attorney General and Reporter for sub-items (a) through (e) of this item, are as follows, and such amounts in this item hereby are appropriated or allocated for these purposes:

(a) To the general fund, allocation of a civil penalty of \$4,120,781.

(b) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(c) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(d) To the Miscellaneous Appropriations, \$700,000 for grants to four legal aid entities (Memphis Area Legal Services, West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid Society of Middle Tennessee and the Cumberland) for the purpose of training, education, and legal services relating to housing and foreclosure matters. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the Attorney General and Reporter or to make the grants as directed by the Attorney General and Reporter.

(e) To the Attorney General's litigation settlement reserve, \$1,862,029, including \$1,637,029 for investigative and enforcement purposes and \$225,000 for executive committee work.

(f) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (a) \$350,000 for examiner training; (b) \$350,000 for information technology support and equipment; (c) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (d) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to adjust these amounts to the amount of revenue available from the settlement(s) and to reallocate amounts among these purposes. The Commissioner of Finance and Administration is authorized to adjust the departmental revenue estimate and allotment of the Treasury Department for the grant to the Financial Literacy Commission.

(g) The Commissioner of Finance and Administration is authorized to adjust the allocations and appropriations in this item as realized receipts require and as directed by the Attorney General and Reporter or, relative to paragraph (f), by the Commissioner of Financial Institutions.

SECTION 66. Budget Reductions Restored. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated from the general fund and education fund, as applicable, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	Non-Recurring
1. TennCare for Children's Services - Base Reduction Reconciliation (Federal \$425,200)	\$ 217,200	\$ 0
2. TennCare for Dept. of Finance and Administration, Inspector General - Vacancy Reduction Reconciliation (\$118,800 Federal)	118,800	0
3. Envir. & Cons. - Core Services FY 11 #8 - West TN	0	300,000

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	<u>Recurring</u>	<u>Non- Recurring</u>
River Basin Authority Maintenance		
4. Education - Core Services FY 10 #20 - Family Resource Centers	0	3,050,000
5. Mental Health - Core Services FY 10 #7 - Peer Support Centers	0	1,377,300
6. Health - Core Services FY 10 #18 - Poison Control Center	375,000	0
7. Intellectual and Developmental Disabilities - Core Services FY 10 #7- Family Support @ \$5.5 M	0	1,000,000
8. TBI - Base Reduction FY 10 #3 - Drug Enforcement Funds	0	603,800
9. Safety - Base Reduction FY 13 #2 - Highway Patrol - Homeland Security & Wrecker Inspection (8 FT)	851,200	0
10. Children's Services - Base Reduction FY 13 #2 - Juvenile Court Supplement	855,000	0
11. Children's Services - Core Services FY 10 #3 - Juvenile Court Prevention Grants - Reduce	(855,000)	0
12. Health - Core Services FY 10 DCS #14 - Healthy Start	0	3,060,100
13. Health - Core Services FY 10 DCS #2 - Child Health & Development (CHAD)	0	838,100
14. Children's Services - Base Reduction FY 13 #9 - Child Advocacy Centers	0	250,000
Total	<u>\$ 1,562,200</u>	<u>\$ 10,479,300</u>

SECTION 67. Group Health Insurance Premium Adjustment. In addition to the amounts appropriated in Section 1 of this act, an amount of \$1,300,000 is appropriated for the purpose of adjusting the state share of group health insurance premium increases at January 1, 2013. The appropriations shall be adjusted as follows, and the Commissioner of Finance and Administration shall allocate the adjustments to the appropriate organizational units.

(a) From the Miscellaneous Appropriations, Group Health Insurance Premium – State Employees, in Section 1, Title III-22-15, reduced by \$2,600,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(b) From the Higher Education systems, in Section 1, Title III-10, reduced by \$2,100,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(c) To the Department of Education, Basic Education Program, in Section 1, Title III-9, Item 2.1(c), an additional \$6,000,000 for the state formula share of a 9.2 percent average increase, rather than the 5 percent included in the Budget Document.

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SECTION 68. Other Additions to the Operational Budget. In addition to the amounts appropriated in Section 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. General Fund Appropriations. The following appropriations are from the general fund.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Correction Dept. - Dairy Farm Boiler Operators (3 FT)	\$ 129,100	\$ 0
2. Correction Dept. - Dairy Farm Operation - Utilities	300,000	0
3. Correction Dept. - Big Brothers Big Sisters - Amachi Mentoring for Children of Inmates - Grant	0	250,000
4. TennCare - Medicaid Systems Development Staffing (Federal \$1,252,500) (32 FT)	481,500	0
5. TennCare - Diabetic Test Strips - Rate Adjustment (Federal \$565,900)	289,100	0
6. Finance and Administration - Business Solutions Delivery (8 FT)	1,400,000	0
7. Veterans Affairs - Communications and Public Affairs Position (1 FT)	68,000	0
8. Correction - Local Jails Reimbursement @ \$37 per Day	4,000,000	0
9. Labor & WFD - Career Centers - Federal Revenue Decrease (\$6.8 M)	0	5,000,000
10. Health – Comprehensive Sickle Cell Clinic of Memphis - Grant	0	50,000
11. Safety - Motor Vehicle Operations	<u>1,600,000</u>	<u>900,000</u>
Total	<u>\$ 8,267,700</u>	<u>\$ 6,200,000</u>

Item 2. State Treasurer. From the general fund, the sum of \$200,000 (non-recurring) hereby is appropriated to the State Treasurer for expenditures relative to veterans organizations.

Item 3. Dedicated Source Appropriations. The following appropriations are from dedicated state revenue sources.

	<u>Recurring</u>
1. Agriculture - Beef Promotion Fund - Sum Sufficient from 50¢ per Head Assessment	\$ 235,000

2. Health - Health-Related Boards - Complaint Resolution - Mediator and Investigation Positions (7 FT)	760,400
Total	\$ 995,400

Item 4. State Treasurer. In addition to the appropriation of departmental revenue to the Treasury Department in Section 4, Title III-1, Item 6.1, there hereby is appropriated from the state pooled investment fund revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g):

(a) An amount not to exceed \$250,000 for costs associated with employee relocation and office consolidation of the Department of Revenue and for costs of providing shared facilities services supporting the Treasury Department and the Department of Revenue.

(b) An amount not to exceed \$200,000 for implementation of image cash letter deposit initiatives within state agencies.

SECTION 69. Reorganization of Appropriations. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	
	Appropriation	Departmental Revenue
1. Correction – Field Services (-44 FT) - Reduce	\$ (4,019,500)	\$ 0
2. Parole Board - Staffing (44 FT)	4,019,500	0
3. Correction - Sentencing Act of 1985 - Reduce	(1,411,900)	0
4. Correction – Southeastern TN Regional Prison Expansion – Accelerated Staffing	1,411,900	0
5. General Services - Real Estate Asset Management – Staffing (-2 FT) – Reduce	(127,500)	0
6. Finance and Administration - State Architect - Staffing (2 FT)	127,500	0
7. Intellectual and Developmental Disabilities – Home- and Community-Based Services - Interdepartmental	0	(6,748,000)
Total	\$ 0	\$ (6,748,000)

### **BUDGET REDUCTIONS AND RECONCILIATION**

SECTION 70. Budget Reductions and Reconciliation.

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Item 1. Court System - Core Services Program Reduction. The appropriation in Section 4, Title II, Item 7, to the Court System, Administrative Office of the Courts, from its reserves is reduced by \$456,300, and the authorized positions are reduced by five (5) for the purpose of deleting the item recommended in the 2012-2013 Budget Document, Volume 2, Base Budget Reductions, on pages 99 and 138, and identified as Core Services 2010-2011 Reductions, number 1, Staffing and Operational.

Item 2. Commerce and Insurance Department - Indirect Cost Reconciliation. The appropriation in Section 1, Title III-11, Item 1, Commerce and Insurance, Administration, is reduced by \$2,102,300 and the interdepartmental revenue estimate increased by the same amount to correct the estimated indirect costs of Regulatory Boards to an amount of \$1,280,200, rather than the amount of \$3,382,500 stated on page A-47 of the 2012-2013 Budget Document.

AND FURTHER AMEND in Section 2, Item 12(a), of the printed bill by deleting the figure "\$24,492,500" and substituting in lieu thereof the figure "\$25,904,400".

AND FURTHER AMEND in Section 11, Item 1 of the printed bill by deleting sub-item (b) in its entirety and substituting instead:

(b) The dollar value of the BEP instructional positions component shall be thirty-nine thousand eight hundred forty-nine dollars (\$39,849);

**SECTION 39 – FEDERAL AND OTHER DEPARTMENTAL REVENUE**

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2012, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2012.

(a) There hereby is appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
District Attorneys General Conference		
1. District Attorneys General	\$ 143,400	\$ 0
Higher Education - State Administered Programs		
1. Tennessee Higher Education Commission	150,000	0
Labor and Workforce Development		
1. Employment Security	1,362,100	0
Mental Health		
1. Community Alcohol and Drug Abuse Services	\$ 2,090,700	\$ 4,354,600



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2. Community Mental Health Services	<u>0</u>	<u>2,200,000</u>
Sub-Total Mental Health	\$ 2,090,700	\$ 6,554,600
Health		
1. Maternal and Child Health	\$ 500,000	\$ 7,852,200
2. Communicable and Environmental Disease Services	26,900	90,400
3. Community and Medical Services	129,600	0
4. Local Health Services	<u>509,800</u>	<u>0</u>
Sub-Total Health	\$ 1,166,300	\$ 7,942,600
Children's Services		
1. Custody Services	<u>0</u>	<u>30,000</u>
Sub-Total Section 39(a)	\$ 4,912,500	\$14,527,200

The Commissioner of Finance and Administration is authorized to establish eighteen (18) full-time positions and to allocate them to the appropriate organizational units, including three (3) positions in the District Attorneys General Conference; one (1) in the Department of Commerce and Insurance, Tennessee Law Enforcement Training Academy; five (5) positions in the Department of Labor and Workforce Development; and nine (9) positions in the Department of Health, including eight (8) for continuation of federally funded positions in the Division of Communicable and Environmental Disease Services.

(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
Executive Department		
1. Governor's Office	\$ 15,000	\$ 45,000
Health		
1. Maternal and Child Health	69,800	209,500
Human Services		
1. Community Services	<u>127,900</u>	<u>554,100</u>
Sub-Total Section 39(b)	\$ 212,700	\$ 808,600

The Commissioner of Finance and Administration is authorized to establish three (3) full-time positions and to allocate them to the appropriate organizational units, including one (1) position in the Executive Department, one (1) position in the Department of Health, and one (1) position in the Department of Human Services.

Total Section 39	<u>\$ 5,125,200</u>	<u>\$15,335,800</u>
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**CAPITAL OUTLAY**

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1 of the printed bill:

5.	Department of Environment and Conservation .....	12,940,000.00
7.	Department of General Services.....	12,930,000.00
13.	Tennessee Board of Regents .....	48,930,000.00
14.	University of Tennessee .....	34,345,000.00
Total Title III-32 .....		\$ 138,600,000.00

and by substituting instead the following:

5.	Department of Environment and Conservation .....	13,940,000.00
7.	Department of General Services.....	15,660,000.00
13.	Tennessee Rehabilitative Initiative in Correction .....	2,600,000.00
14.	Tennessee Board of Regents .....	48,930,000.00
15.	University of Tennessee .....	34,345,000.00
Total Title III-32 .....		\$ 144,930,000.00

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

Item \_\_. The capital maintenance project, ETSU CoM Family Practice Replace Roof, to be funded in the amount of \$500,000 from the Tennessee Board of Regents appropriation in Section 1, Title III-32, Item 14 of this act and listed on page A-147 of the 2012-2013 budget document, is deleted and there is hereby reappropriated the sum of \$500,000 for the ETSU CoM Education Building Electrical Updates.

Item \_\_. In addition to the capital budget projects listed on pages A-144 through A-146 of the 2012-2013 budget document, two capital improvement projects and one capital maintenance project are funded in the appropriations in Section 1, Title III-32, Items 5, 7 and 13 of this act:

(a)	Department of Environment and Conservation - Radnor Lake State Natural Area – Land Acquisition	\$1,000,000.00
(b)	Department of General Services – Capital Maintenance - Management Support Services	\$2,730,000.00
(c)	Tennessee Rehabilitative Initiative in Correction - Cook-Chill Equipment Replacement and Repair	\$2,600,000.00

**SECTION 1 AND 4 AMENDMENTS - FACILITIES REVOLVING FUND (FRF)**

AND FURTHER AMEND by deleting the following language from Title III-29 in Section 1 of the printed bill:

2.	General Services Project Maintenance.....	5,547,600.00
3.	Capital Projects .....	125,100,000.00
	Total Title III-29 .....	\$ 138,164,800.00

and by substituting instead the following:

2.	General Services Project Maintenance.....	1,100,000.00
3.	Facilities Management.....	5,547,600.00
4.	Capital Projects .....	115,870,000.00
	Total Title III-29 .....	\$ 130,034,800.00

AND FURTHER AMEND by deleting the following language from Title III-26 in Section 4 of the printed bill:

4.	Capital Projects .....	6,680,000.00
	Total Title III-26 .....	\$ 138,902,200.00

and by substituting instead:

4.	Capital Projects .....	13,667,300.00
	Total Title III-26 .....	\$ 145,889,500.00

**HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY  
FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES**

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new item to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-150 through A-151 in the 2012-2013 Budget Document:

**State University and Community College System  
(Tennessee Board of Regents)**

**Austin Peay State University**

Dunn Center Scoreboard Replacement	\$	1,870,000
<b>Total APSU</b>	<b>\$</b>	<b>1,870,000</b>

**East Tennessee State University**

Baseball Stadium Upgrades	\$	4,500,000
Gray Fossil Site Improvements		180,000
Pedestrian Safety Improvements		1,000,000

<b>Total ETSU</b>	<b>\$</b>	<b>5,680,000</b>
<b>Middle Tennessee State University</b>		
Athletic Track Refurbishment	\$	400,000
Data Center Consolidation		5,250,000
Keathley University Center Renovation		3,000,000
McFarland Building Renovations		2,000,000
<b>Total MTSU</b>	<b>\$</b>	<b>10,650,000</b>
<b>Tennessee State University</b>		
Campus-wide Relocations and Renovations	\$	250,000
Charter School Facilities Development		1,700,000
Hankal Hall Relocations and Renovations		1,000,000
<b>Total TSU</b>	<b>\$</b>	<b>2,950,000</b>
<b>Tennessee Technological University</b>		
Foundation Hall Parking	\$	630,000
Intramural Sports and Activities Building		7,210,000
Parking and Transportation Improvements		750,000
Warf/Ellington Residence Hall Upgrade		2,250,000
Science & Engineering Complex Parking Garage		18,000,000
Tech Village Apartments Renovations Phase 3		9,680,000
<b>Total TTU</b>	<b>\$</b>	<b>38,520,000</b>
<b>University of Memphis</b>		
Annex Facility Improvements	\$	400,000
Dining Pavilion Construction		150,000
Emergency Operations Generator		150,000
Intramural Field Development		1,300,000
Park Avenue Campus Entry		500,000
Traffic and Circulation Improvements		3,000,000
Zach Curlin Parking Extension		1,100,000
Carney-Johnston Dormitory Renovation		3,000,000
Dormitory Reroofing		920,000
<b>Total UoM</b>	<b>\$</b>	<b>10,520,000</b>
<b>Cleveland State Community College</b>		
Fire Alarm System Upgrade	\$	1,000,000
<b>Total CLSCC</b>	<b>\$</b>	<b>1,000,000</b>

**Jackson State Community College**

Student Center Repairs and Updates

\$ 500,000

**Total JSCC**

**\$ 500,000**

**Nashville State Community College**

Antioch Teaching Site Renovations

\$ 3,680,000

**Total NASCC**

**\$ 3,680,000**

**Pellissippi State Community College**

Campus Window Replacement

\$ 300,000

Career Center Renovation

700,000

Division Street Parking

820,000

Magnolia Campus Student Parking

600,000

Modular Classroom Building

370,000

**Total PSCC**

**\$ 2,790,000**

**Southwest Tennessee Community College**

F Building Renovations

\$ 190,000

Whitehaven Renovations

5,600,000

**Total STCC**

**\$ 5,790,000**

**Volunteer State Community College**

Campus Loop Road Extension

\$ 3,000,000

Wood Campus Center Upgrades

3,000,000

**Total VSCC**

**\$ 6,000,000**

**TTC Nashville**

Aviation Hanger Construction

\$ 100,000

**Total TTC Nashville**

**\$ 100,000**

**Total Tennessee Board of Regents**

**\$ 90,050,000**

**University of Tennessee System**

**University of Tennessee Chattanooga**

West Campus Parking & Housing Complex Planning

\$ 2,500,000

Arena Renovations Planning

100,000

Dining Services Improvements

1,000,000

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Life Sciences Laboratory Facility Planning	3,000,000
<b>Total UTC</b>	<b>\$ 6,600,000</b>
<b>UT Institute of Agriculture</b>	
Energy & Enviro. Sciences Education Ctr. Planning	\$ 2,000,000
<b>Total UTIA</b>	<b>\$ 2,000,000</b>
<b>University of Tennessee Knoxville</b>	
Phillip Fulmer Way Expansion	\$ 15,000,000
Greve Hall Improvements Phase 2	4,000,000
Panhellenic Building Renovation Phase 2	4,000,000
Lab Renovations	11,000,000
Deferred Maintenance	12,500,000
New Student Housing Planning	3,000,000
<b>Total UTK</b>	<b>\$ 49,500,000</b>
<b>UT Martin</b>	
Fine Arts Renovation and Addition Planning	\$ 500,000
Football Pressbox Improvements Planning	100,000
<b>Total UTM</b>	<b>\$ 600,000</b>
<b>Total University of Tennessee</b>	<b>\$ 58,700,000</b>
<b>Grand Total</b>	<b>\$ 148,750,000</b>

The UT Chattanooga request for Mackenzie Arena Seating & Curtain System Improvements in the amount of \$1,200,000 and the UT Knoxville request for Shelbourne Tower Renovation in the amount of \$18,000,000 as identified on page A-151 of the 2012-2013 Budget Document are to be canceled.

**OTHER PROVISIONS**

AND FURTHER AMEND in Section 29 by inserting the following new item at the end of the section:

Item \_\_\_\_\_. From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

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AND FURTHER AMEND in Section 9, Item 4, by deleting the words “investment performance” and substituting in lieu thereof the words “investment and pensions administration performance” and by deleting the words “investment staff” and inserting in lieu thereof the words “investment and administrative staff”.

AND FURTHER AMEND in Section 9, Item 5, by deleting the words and punctuation “for payment of Unclaimed Property – Claims” and inserting in lieu thereof the words and punctuation “, Unclaimed Property, for payment of claims and claims administrative expense”.

AND FURTHER AMEND in Section 34 of the printed bill by inserting a new item to read:

Item \_\_\_. To the administration and support services programs in Section 1, Title III-10, Items 1.1 through 1.7, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation.

AND FURTHER AMEND in Section 35 of the printed bill by inserting a new item to read:

Item \_\_\_. To the University of Tennessee System in Section 1, Title III-10, Item 3 to provide for technical corrections to the allocation of funding for 401K benefits.

AND FURTHER AMEND in Section 36, by deleting Item 56 in its entirety and inserting in lieu thereof the following:

Item 56. To the Treasury Department for college savings incentive initiatives and a college savings plan in Public Acts of 2010, Chapter 1108, Section 1, Title III-1, Item 7.3, and Section 35, Item 3; and Public Acts of 2011, Chapter 473, Section 1, Title III-1, Item 7.3, and Section 72, Item 3, and Section 36, Item 60.

AND FURTHER AMEND in Section 36 of the printed bill by inserting new items at the end of the section to read:

Item \_\_\_. To the Department of Children’s Services in Section 1, Title III-23 to fund operational expenses during the closure process of the Taft Youth Developmental Center. The carry-forward amount is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. To the Department of Environment and Conservation in Section 1, Title III-5, the unexpended balance of the \$750,000 non-recurring appropriation for May 2010 flood, stream debris removal and repair.

AND FURTHER AMEND in Section 41 by inserting the following new items at the end of the section:

Item \_\_\_. For the purpose of defraying administrative costs of authorized programs of the Tennessee Local Development Authority, there is hereby appropriated to the Tennessee Local Development Authority an amount not to exceed \$700,000 from loan repayment amounts attributable to community provider loans. Such amounts shall be determined as necessary by the State Funding Board and the Tennessee Local Development Authority.

Item \_\_. Court Interpreter Services. The cost increase described in the Budget Document on page B-212 as “General Sessions Courts – Interpreter Services” is incorrectly described in the Budget Document. From the appropriation to the Court System, Administrative Office of the Courts, in Section 1, Title II, Item 13, the sum of \$2,000,000 hereby is appropriated for the purpose of providing interpreter services, in accordance with the rules prescribed by the Supreme Court, to persons with limited English language proficiency who have a matter before courts established by or pursuant to Tennessee law. Provided further that the appropriation is authorized to be transferred by the Commissioner of Finance and Administration to a new line item to be called Court Interpreter Services; and provided further that the commissioner, subject to approval of the Administrative Director of the Courts, is authorized to transfer the sum of \$1,000,000 from Indigent Defendants Counsel to Court Interpreter Services, such sum being the estimated amount that otherwise would be expended for interpreter services to indigent defendants in criminal cases in the state courts.

Item \_\_. Settlement and Judgment Awards and Similar Awards. In addition to the appropriations in Public Acts of 2011, Chapter 473, and in this act, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards hereby are appropriated for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. At June 30, 2012, and any subsequent fiscal year end, the unexpended balance of such funds shall be reserved and carried forward for expenditure in the subsequent fiscal year; and such funds as are carried forward hereby are appropriated for the intended purposes. The provisions of this item shall not require the reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item \_\_. Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.



**OVER-APPROPRIATION AND REVERSION ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language and punctuation from Item 1(a) in Section 43 of the printed bill:

“and a non-recurring reversion of \$94,500,000.”

and by substituting instead the following:

“and a non-recurring reversion of \$107,100,000.”

AND FURTHER AMEND by inserting a new sub-item in Item 1 in Section 43 of the printed bill to read:

(c) In fiscal year 2012-2013 to recognize an Office for Information Resources (OIR) rate decrease in the estimated recurring amount of \$2,600,000 by reducing appropriations made in Section 1 of this act.

**TENN-CARE FEDERAL PROGRAM EXPANSION**

AND FURTHER AMEND by inserting a new item in Section 48 of the printed bill to read:

Item \_\_. There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

**2012-2013 SALARY POLICY**

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 49 of the printed bill and by renumbering the subsequent items in Section 49.

AND FURTHER AMEND by inserting a new paragraph at the end of the newly designated Item 4 in Section 49 (Item 5 of the printed bill) to read:

From the \$15,000,000 appropriation it is the legislative intent to earmark for non-executive agencies the following amounts in fiscal year 2012-2013:

Legislature .....	\$ 253,500.00
Fiscal Review Committee.....	12,000.00
Court System .....	244,500.00
Attorney General and Reporter .....	550,000.00
Secretary of State .....	225,000.00
Comptroller of the Treasury .....	379,500.00
Treasury Department .....	1,500.00
Total Non-Executive Agencies .....	\$1,666,000.00

AND FURTHER AMEND in Section 60 of the printed bill by adding the following at the end of the first paragraph:

Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

### **HOUSEKEEPING PROVISIONS**

AND FURTHER AMEND in Section 1, Title III-30, in the fourth paragraph thereof, by deleting the word "Chairmen" in both instances and substituting in both places the word "Chairs".

AND FURTHER AMEND in Section 3, Item 1, in the third paragraph, by deleting the word "chairman" and substituting in lieu thereof the word "chair".

AND FURTHER AMEND and in Section 6, Item 12, by deleting the citation "Senate Bill \_\_\_\_ / House Bill \_\_\_\_" in both instances and substituting in lieu thereof in both places the citation "Senate Bill 3769 / House Bill 3836".

AND FURTHER AMEND in Section 7, Item 1, by deleting the date "2011-2012" and substituting in lieu thereof the date "2012-2013".

AND FURTHER AMEND in Section 7, Item 2, by deleting the word "Chairman" and substituting in lieu thereof the word "Chair" and by deleting the word "him" in both instances and in the first instance substituting the words "the Chair" and in the second instance substituting the words "the Secretary".

AND FURTHER AMEND in Section 7, Item 12, by deleting the word "firemen" and substituting in lieu thereof the word "firefighters", by deleting the word "fireman's" and substituting the word "firefighter's", and by deleting the word "his" and substituting the word "the".

AND FURTHER AMEND in Section 7, Item 13, by deleting the word "his" and substituting in lieu thereof the word "the".

AND FURTHER AMEND in Section 8, Item 5, by deleting the first comma and by inserting after the word and punctuation "General," the words and punctuation "in accordance with Tennessee Code Annotated, Section 8-6-106,".

AND FURTHER AMEND in Section 8, Item 11, by deleting the word "Agency" and inserting in lieu thereof the word "Authority".

AND FURTHER AMEND in Section 8, Item 16(e) by deleting the words and citation "and Section 67-4-606".

AND FURTHER AMEND in Section 8, Item 19(e) by deleting the word "Authority" and substituting in lieu thereof the word "Agency".

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AND FURTHER AMEND in Section 8, Item 30(b) by deleting the words and date “Act of 1989” and substituting in lieu thereof the words “Incentive Account”.

AND FURTHER AMEND in Section 8, Item 37, by deleting the word “unit” and substituting in lieu thereof the word “Division”.

AND FURTHER AMEND in Section 10, Item 16, of the printed bill by inserting after the citation “Item 2,” the words “and in Section 68, Item 1 (8),” and by deleting the amount “\$35.00” in all three places and inserting in lieu thereof the amount “\$37.00”.

AND FURTHER AMEND in Section 10, Item 17, by deleting the amount “five hundred dollars (\$500.00)” and substituting in lieu thereof the amount “one thousand dollars (\$1,000.00)”.

AND FURTHER AMEND in Section 10, Item 25, by deleting the word “specialty” and inserting in lieu thereof the words and punctuation “cultural, specialty earmarked, new specialty earmarked, and collegiate”; and by inserting the following before the period at the end of the sentence: “, as provided in Tennessee Code Annotated, Title 55, Chapter 4”.

AND FURTHER AMEND in Section 10, by renumbering items 30, 31, 32, and 33, as items 28, 29, 30, and 31, respectively.

AND FURTHER AMEND in Section 12, Item 2, by deleting the TCA citation “4-5-209” and substituting in lieu thereof the citation “4-5-208”.

AND FURTHER AMEND in Section 12, Item 3, by deleting the words “bill is minimal” and inserting in lieu thereof the words “bill as enacted is minimal”.

AND FURTHER AMEND in Section 15, Item 7 of the printed bill by deleting the words “Finance and Administration” in two places in the item and substituting instead the words “General Services” in both places.

AND FURTHER AMEND in Section 20 by deleting the year “2012” and substituting in lieu thereof the year “2013”.

AND FURTHER AMEND in Section 23, Item 1, in the second paragraph, in its first sentence, by deleting the words “estimated federal” and inserting in lieu thereof the word “federal”.

AND FURTHER AMEND the printed bill in Section 23, Item 3, by deleting the item in its entirety and by substituting instead the following:

Item 3. The capital budget and appropriations for capital outlay shall be presented as provided in Senate Bill 2418 / House Bill 2552 or Senate Bill 3771 / House Bill 3839, if such provisions in either bill become law. If such provisions in either cited bill do not become law, the following provisions of this item shall not apply and Tennessee Code Annotated, Section 9-4-5108(b) shall apply; if such provisions in either cited bill become law, then the provisions of such bill and the following provisions of this item shall apply:

The capital budget, to be included in part 3 of the budget document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars

(\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be specified in such detail in the budget document as the Governor shall determine. Appropriations for capital improvement and capital maintenance projects shall be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the budget document.

AND FURTHER AMEND in Section 23, Item 4, of the printed bill by deleting the word “Chairmen” and inserting in lieu thereof the word “Chairs”.

AND FURTHER AMEND in Section 26, Item 6, by deleting, in the first instance in which they appear, the words “as authorized under” and substituting in lieu thereof the words “at the same rates and in the same manner provided by”.

AND FURTHER AMEND in Section 28 by inserting after the word “Administration” at the end of the second sentence the words “and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304”.

AND FURTHER AMEND in Section 31 of the printed bill by:

(a) deleting the following language:

2. Mental Health Services block grant in the amount of \$8,174,600

and inserting in lieu thereof the following:

2. Mental Health Services block grant in the amount of \$10,374,600

; and,

(b) deleting the following language:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$30,275,500

and inserting in lieu thereof the following:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,275,500

AND FURTHER AMEND in Section 35, Item 1, by inserting after the word and punctuation “Counsel,” the words and punctuation, “Court Interpreter Services,”.

AND FURTHER AMEND in Section 36, Item 57, by deleting the citation “Section 77, Item 19” and inserting in lieu thereof the citation “Section 41, Item 35, of this act”.

AND FURTHER AMEND in Section 36, Item 4, by deleting the TCA citation “67-4-606(a)(B)(9)” and substituting in lieu thereof the citation “67-4-606(a)(9)”.

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AND FURTHER AMEND in Section 41, Item 19, by deleting the words and punctuation “(d) Governor’s Schools; and (e) Governor’s Institute for Science and Math” and inserting in lieu thereof the words and punctuation “and (d) Governor’s Schools”.

AND FURTHER AMEND in Section 41, Item 20, by deleting the words “the Tennessee Infant Parent Services School” and inserting in lieu thereof the words “Tennessee Early Intervention Services”.

AND FURTHER AMEND in Section 41, Item 24, by deleting the word “rent” and inserting in lieu thereof the word “rental”.

AND FURTHER AMEND in Section 41, Item 33, by deleting the TCA citation “67-801(b)(1)” and substituting in lieu thereof the citation “67-1-801(b)(1)”.

AND FURTHER AMEND by inserting new items at the end of Section 41 of the printed bill to read:

Item \_\_. The Commissioner of Finance and Administration is authorized to establish three (3) additional full-time positions in the Department of Environment and Conservation, State Parks, to correct a position count error.

Item \_\_. The Commissioner of Finance and Administration is authorized to establish one (1) additional full-time position in the Comptroller of the Treasury, Division of County Audit, to correct a position count error.

AND FURTHER AMEND in Section 48 of the printed bill by deleting in Item 7 the date “June 30, 2012” and the figure “\$10,100,000” and by substituting instead the date “June 30, 2013” and the figure “\$8,969,100”.

AND FURTHER AMEND by adding the following new sections:

**LEGISLATIVE SOURCE ADJUSTMENTS**

**SECTION 72.**

Item 1. The appropriation in Section 1, Title III-9, Item 2.1(b) to the Department of Education, Career Ladder, is reduced by the sum of \$1,500,000 (recurring) for the purpose of recognizing program savings because of attrition.

Item 2. At June 30, 2012, the sum of \$15,000,000 shall be transferred to the General Fund from Tennessee Emergency Management Agency (TEMA), Reserve for Disaster Relief, and the remaining unexpended balance of TEMA disaster relief appropriations and reserves shall be carried forward at June 30, 2012, and hereby is appropriated for expenditure in the year beginning July 1, 2012. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

Item 3. The appropriation in Section 1, Title III-29, to the Facilities Revolving Fund, Capital Projects, is reduced by \$5,500,000 for the purpose of reducing to \$69,500,000 the Office Consolidation Project identified on page A-170 of the 2012-2013 Budget Document.

Item 4. Of the appropriation in Section 1, Title III-8, Item 3, to the Department of Economic and Community Development, FastTrack Infrastructure and Job Training Assistance Program, and identified on page B-330 of the 2012-2013 Budget Document as a cost increase of \$10,000,000 recurring and \$10,000,000 non-recurring, the recurring sum of \$10,000,000 hereby is designated as a non-recurring appropriation, such that the entire \$20,000,000 FastTrack program cost-increase described on page B-330 shall be non-recurring.

Item 5. Of the appropriation in Section 1, Title III-9, Item 2.1(c), to the Department of Education, Basic Education Program (BEP), and identified as core-services continuation of BEP ADM Growth Funding on page 118 of the 2012-2013 Budget Document, Volume 2, a sum of \$3,500,000 hereby is designated as a non-recurring appropriation.

**DEDICATED SOURCE & EARMARKS**

**SECTION 73.**

**Item 1.**

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Chapter 734 of the Public Acts of 2012, Chapter 739 of the Public Acts of 2012, Chapter 740 of the Public Acts of 2012, Senate Bill 2278 / House Bill 2682, Senate Bill 2401 / House Bill 2329, Senate Bill 2678 / House Bill 2803, Senate Bill 2684 / House Bill 2794, Senate Bill 2732 / House Bill 2793, Senate Bill 2733 / House Bill 2878, Senate Bill 2778 / House Bill 3570, House Joint Resolution 872, and Senate Joint Resolution 629, if such bills and resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act. It is the legislative intent that such funding be earmarked for implementation of such bills and resolutions in the fiscal year ending June 30, 2013, and in subsequent fiscal years.

(c) This item shall take effect upon becoming a law, the public welfare requiring it.

Item 2. From funds available and appropriated to the Department of Commerce and Insurance (Scrap Metal Registration Program), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 2895 / House Bill 3246, relative to scrap metal dealers, if such bill becomes law.

Item 3. From funds available and appropriated to the Department of Health (Division of Health Related Boards), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3644 / House Bill 3688, relative to electronic notifications, if such bill becomes law.

Item 4. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 3655 / House Bill 3690, relative to licenses for disabled minors, if such bill becomes law.

Item 5. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$400 for the sole purpose of implementing Senate Bill 3590 / House Bill 2776, relative to reorganization of the agency, if such bill becomes law.

Item 6. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 2403 / House Bill 2294, relative to licenses for persons with intellectual disabilities, if such bill becomes law.

Item 7. From funds appropriated the University of Tennessee System and the Tennessee Board of Regents System, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3022 / House Bill 3665, relative to higher education, if such bill becomes law.

Item 8. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 221, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 9. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution 183 and/or Senate Joint Resolution 710, in accordance with Section 3 of Article XI of the Tennessee Constitution, if either, or both, such resolutions are adopted.

Item 10. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 222, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 11. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771 / House Bill 3839, if such bill becomes law.

### **LEGISLATIVE INITIATIVES**

#### **SECTION 74.**

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill 2863 / House Bill 3213, Senate Bill 3155 / House Bill 3272, Senate Bill 2368 / House Bill 2488, Senate Bill 2371 / House Bill 2493, Senate Bill 1325 / House Bill 1379, Senate Bill 3005 / House Bill 2868, Senate Bill 2349 / House Bill 2311, Senate Bill 2606 / House

Bill 2655, Senate Bill 2759 / House Bill 3082, Senate Bill 2129 / House Bill 2309, Senate Bill 2886 / House Bill 3225, Senate Bill 2438 / House Bill 2733, Senate Bill 3176 / House Bill 2334, Senate Bill 2066 / House Bill 2114, Senate Bill 2819 / House Bill 2663, and Senate Joint Resolution No. 701, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the department of finance and administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (recurring) to the department of finance and administration for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the Tennessee department of health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Crumley House located in Washington County, to be used for the provision of programs and services on behalf of persons suffering from traumatic brain injuries.

Item 6. In addition to any other funds appropriated by the provision of this act, there is appropriated the sum of \$125,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Memphis Oral School for the Deaf, to be used for programs and operational expenses.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Health for the sole purpose of the vaccine billables project.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Administrative Office of the Courts for the sole purpose of making grants to legal aid programs in each grand division to be used for domestic violence prevention and services.



Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Department of Tourist Development for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$316,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

35% to Second Harvest Food Bank of Middle Tennessee;  
25% to Memphis Food Bank;  
20% to Second Harvest Food Bank of East Tennessee;  
10% to Chattanooga Area Food Bank;  
10% to Second Harvest Food Bank of Northeast Tennessee.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Economic and Community Development for the sole purpose of local planning transition grants. It is the intent of the General Assembly that each of the nine (9) development districts receive \$50,000.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$120,000 (recurring) to the Commission on Children and Youth for the sole purpose of making grants of \$15,000 each to seven (7) counties participating in the Court Appointed Special Advocates (CASA) program and to one (1) additional county seeking to participate in the program, bringing the total counties receiving state funds to forty-five (45).

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,681,500 (non-recurring) to the Department of Intellectual and Developmental Disabilities for the sole purpose of restoring funding for the Family Support Program that provides assistance to developmentally disabled individuals who do not qualify for intellectual disabilities services.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee Bureau of Investigation (TBI) for the sole purpose of making grants to local governments in which

Crime Stoppers operates. The TBI is authorized to award such grants upon application submitted by a local government as required by the TBI.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$180,000 (non-recurring) to the Department of Education for the sole purpose of grants-in-aid to science alliance museums.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Department of Education for the sole purpose of restoring funds for school internet connectivity.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of training and improving administrative practices for drug task forces.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$105,000 (non-recurring) to the Department of Education for the sole purpose of career and technical education programming implemented through the Tennessee Alliance of Boys & Girls Clubs.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of hosting the National Association of Prosecutor Coordinators (NAPC) conference in Nashville during December 2012.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$49,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the Secret Safe Place for Newborns, to be used for the purpose of informing the community of safe, secret options under the Safe Haven Law.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated an amount up to \$100,000 (non-recurring) to the Tennessee

Historical Commission for the sole purpose of research and publication of up to one thousand two hundred (1,200) hardbound copies of the next volume of the Biographical Directory of the Tennessee General Assembly.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$206,300 (non-recurring) to the Department of Health, Bureau of Health Services, Community and Medical Services, for the sole purpose of restoring funding for the epilepsy program.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation, to be used for general operating costs to help prevent and resolve issues related to substance abuse.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to a Tennessee nonprofit fund supporting services to communities of greatest need to be used for enterprise development week youth economic summits in Nashville, Chattanooga and Memphis.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Bridge of Hope, to be used to provide human trafficking training programs to law enforcement officers.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.

Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the University of Tennessee

System for the sole purpose of programs and services provided through the UT Law Enforcement Innovation Center.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee CASA, to be used for programs and services.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of making a grant in such amount to the Chickasaw Basin Authority.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$35,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of conducting an audit of war memorials to ensure that all appropriate individuals have been listed on such memorials. No later than December 1, 2012, the commission shall report to the members of the finance, ways and means committees of the senate and the house of representatives on the physical condition of the various memorials to identify substandard memorials. The commission shall develop a plan to remedy any problems discovered with such memorials.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Board of Regents, for the sole purpose of building out the space for the third floor of the new Allied Health and Technologies Building of the Roane State Community College, Oak Ridge campus. Such state funding is supplemental to institutional funding in the amount of \$1,300,000 to complete the third floor. It is intended that this state funding in support of the additional space will assist the school in meeting the demand for health science programs.

Item 39. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$600,000 (non-recurring) to the Tennessee Arts Commission for the sole purpose of making grants for musical heritage.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in non-urban counties, to be used for programs, services and operational expenses.

Item 41. To the University of Tennessee, \$5,000,000 is made available from National Academy-Level Faculty unobligated reserves for use toward the completion of the Joint Institute for Advanced Materials Science (JIAMS) research laboratory facility at Cherokee Farm. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it.

Item 42. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$20,188,500 to the Department of Children's Services for the sole purpose of restoring base funding and authorizing no more than 193 positions for the James M. Taft Youth Center. The Commissioner of Finance and

Administration is authorized to adjust federal and other departmental revenue accordingly.

### **LANGUAGE AMENDMENTS**

#### **SECTION 75.**

Item 1. From the funds appropriated by this act, the department of finance and administration is directed to study the increasing prices of gasoline compared to the applicable rate of mileage reimbursement paid to state employees, excluding members of the general assembly, for using personally owned or leased vehicles in the course of official state business. The department shall propose recommendations arising from the study, including recommendations for increasing the rate of reimbursement when the average price of regular gas in this state exceeds four dollars (\$4.00) per gallon or a higher amount, as certified by the American Automobile Association's ("AAA") Daily Fuel Gauge Report. Such recommendations shall be reported to the chairs of the finance, ways and means committees of the senate and the house of representatives no later than December 1, 2012.

Item 2. Each state agency shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis when the agency applies for a federal grant of more than \$100,000.

Item 3. From the appropriations made in this act, the Department of Finance and Administration, Bureau of TennCare, is requested to examine the impact to the budget of moving the CoverKids program, Tennessee's Children's Health Insurance Program (CHIP), into the TennCare program. The Bureau of TennCare shall report no later than January 1, 2013 to the chairs of the finance, ways and means committees of the senate and the house of representatives on the budget impact.

Item 4. It is the legislative intent that in the fiscal year ending June 30, 2013 and in subsequent fiscal years, any required reversion to the general fund balance from any unexpended funds available to the Secretary of State, Division of Public Documents, be reduced by a sum sufficient and transferred to the division for the sole purpose of funding any joint resolution, that becomes law, calling for an amendment to the Tennessee Constitution. It is the legislative intent that such funding be used to provide notice of any constitutional amendments proposed by the General Assembly.

Item 5. From the appropriations made in this act, the Administrative Office of the Courts is requested to conduct a statewide study of the assessment of all unpaid court fees, fines and costs compared to the actual collection of such fees, fines and costs. The study shall be limited to those assessments and collections made in the 2011-2012 fiscal year. The results of the study, including any recommended legislation, shall be reported to the chairs of the finance, ways and means committees, the judiciary committees of the senate and house of representatives, and the executive director of the fiscal review committee no later than January 1, 2013.

SECTION 76. The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there is hereby

appropriated a sum sufficient for implementation of any legislation cited, or otherwise described by category, in this act that has an effective date prior to July 1, 2012.

**FACILITIES REVOLVING FUND (FRF)**

SECTION 77. It is the legislative intent to recognize revisions in the Facilities Revolving Fund (FRF) capital improvements and capital maintenance projects listed on pages A-170 and A-171 of the 2012-2013 budget document. The projects are funded by appropriations made in Section 1, Title III-29, Item 4, and in Section 4, Title III-26, Item 4, of this act and from residual bond reserves of the Facilities Revolving Fund.

Item 1. In addition to the projects identified in the 2012-2013 budget document, \$4,720,000 is provided from revenues of the Facilities Revolving Fund for Capital Maintenance – Management Support Services.

Item 2. In addition to the projects identified in the 2012-2013 budget document, \$3,900,000 is provided from residual bond reserves (\$3,100,000) of the Facilities Revolving Fund and Office of Information Resources revenues (\$800,000) for the OIR Data Center North Renovation.

Item 3. The Davy Crockett Building Renovations project in the amount of \$1,000,000, as identified in the 2012-2013 budget document is hereby increased by \$2,720,000 in state appropriations, and \$1,480,000 from revenues of the Facilities Revolving Fund.

Item 4. In addition to the projects identified in the 2012-2013 budget document, \$427,300 is provided from revenues of the Facilities Revolving Fund to address security upgrades of the Legislative Plaza.

Item 5. The Rachel Jackson Building Renovations project in the amount of \$2,200,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 6. The R.S. Gass Laboratory Interior Renovations project in the amount of \$2,450,000, as identified in the 2012-2013 budget document, is hereby reduced by \$1,800,000.

Item 7. The John Sevier Interior Renovation project in the amount of \$6,000,000 as identified in the 2012-2013 budget document, is hereby canceled.

Item 8. The Central Services Building Interior Renovation project in the amount of \$1,950,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 9. The TPS Hardison Complex Flooring Updates project in the amount of \$440,000, as identified in the 2012-2013 budget document, is hereby canceled.

**PUBLIC DEFENDER OFFICES**

SECTION 78. Public Defender Offices in Davidson and Shelby Counties.

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The commissioner of finance and administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the speakers of the senate and house of representatives; the chairs of the finance, ways and means committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders"; the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 budget document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

### **HIGHER EDUCATION LOTTERY SCHOLARSHIPS**

AND FURTHER AMEND by adding the following language as new items to Section 52:

Item 6. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2687 / House Bill 3332, relative to a short form lottery scholarship application, if such bill becomes a law.

Item 7. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3599 / House Bill 3816, relative to lottery scholarships for home school students, if such bill becomes a law.

Item 8. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3170 / House Bill 3622, relative to the eligibility status of the Art Institute of Nashville, if such bill becomes a law.

**MISCELLANEOUS**

AND FURTHER AMEND by adding the following paragraph to the end of Section 23, Item 3:

The Commissioner of Finance and Administration shall provide a written quarterly report to the director of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

AND FURTHER AMEND by adding the following sentence to the end of Section 63, Item 2:

It is the intent of the general assembly that such funds shall not be distributed by means of the higher education formula.

AND FURTHER AMEND by deleting the item within Section 29 which reads as follows:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

and by substituting instead the following language:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system. The Tennessee Board of Regents shall file a written report with the chairs of the Education Committees of the Senate and House of Representatives concerning the provisions of this item.

AND FURTHER AMEND by adding the following sentence to the end of the item within Section 41 which begins "Settlement and Judgment Awards and Similar Awards":



The Attorney General and Reporter shall file a written report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

and by substituting instead the following:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

AND FURTHER AMEND by deleting the language "\$107,100,000" from Section 43, Item 1 and by substituting instead the language "\$107,300,000".

AND FURTHER AMEND by deleting the item within Section 48 which reads as follows:

There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

(1) Insert between Sections 64 and 65 of the printed bill any new sections added to the bill so that Sections 65 through 69 of the printed bill will be the renumbered final sections of the engrossed bill;

(2) Delete the bold underlined explanatory headings in this amendment; and

(3) Exclude this paragraph from the engrossed bill.

/s/ Senator Jim Kyle

/s/ Representative Craig Fitzhugh

/s/ Representative Mike Turner

Rep. Fitzhugh moved that the Conference Committee Minority Report No. 3 on House Bill No. 3835 be adopted and made the action of the House.

Rep. McCormick moved that the Conference Committee Minority Report No. 3 be tabled, which motion prevailed by the following vote:

Ayes .....	64
Noes.....	31

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 64

Representatives voting no were: Armstrong, Bass, Brown, Cobb, Curtiss, DeBerry J, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 31

**CONFERENCE COMMITTEE MINORITY REPORT NO. 4  
ON HOUSE BILL NO. 3835**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3835 / Senate Bill No. 3768 has met and recommends that the following amendments be deleted:

House Amendment No. 2  
House Amendment No. 3  
Senate Amendment No. 18  
Senate Amendment No. 4  
Senate Amendment No. 5  
Senate Amendment No. 6  
Senate Amendment No. 7

The Committee further recommends that the following amendment be adopted:

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By deleting each and every section of House Bill 3835 / Senate Bill 3768 and by substituting instead new Sections 1 through 69, namely:

Sections 1 through 69 of House Bill 3835 / Senate Bill 3768 as filed for introduction on February 6, 2012, and considered to be part of this amendment.

**ADMINISTRATION AMENDMENT**

**2011-2012 SUPPLEMENTAL APPROPRIATIONS**

AND FURTHER AMEND by deleting the following language from Section 38 of the printed bill:

Commerce and Insurance

1. Administration – Interdepartmental Revenue Loss –  
Regulatory Boards Indirect Costs ..... \$ 3,382,500.00

Revenue

1. Tax Refund Interest Expense – Accounting Change ..... \$ 2,500,000.00

TOTAL ..... \$ 147,909,500.00

and by substituting instead:

Commerce and Insurance

1. Administration – Interdepartmental Revenue Loss –  
Regulatory Boards Indirect Costs ..... \$ 1,280,200.00

Revenue

1. Tax Refund Interest Expense – Accounting Change ..... \$ 2,500,000.00
2. Sales Tax Disaster Relief ..... 525,000.00
- Total Revenue ..... \$ 3,025,000.00

TOTAL ..... \$ 146,332,200.00

Provided further that the line item appropriation in the amount of \$525,000.00 relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by Senate Bill 2701 / House Bill 2889, if it becomes a law.

From the appropriation to the Department of Economic and Community Development in the amount of \$34,000,000 for headquarters relocation assistance, it is the legislative intent to make the following allocations to the Volkswagen Project: (a) \$19,110,000 for site preparation and infrastructure; (b) \$684,000 to FastTrack Infrastructure and Job Training Assistance for training a third shift; and (c) \$371,000 to Business Development for recruitment purposes.

The appropriations to the Department of Mental Health and to the Department of Economic and Community Development, including allocations to the Volkswagen Project, shall not revert to the general fund at June 30, 2012, and are hereby reappropriated in the fiscal year beginning July 1, 2012.

AND FURTHER AMEND in Section 41 of the printed bill by inserting a new item as follows:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is appropriated the sum of \$1,400,000 (non-recurring) to Loan/Scholarships Programs for the graduate nursing loan forgiveness program. The appropriation is intended to reinstate a non-recurring appropriation that reverted to the general fund balance. Pursuant to Tennessee Code Annotated, Section 49-4-702(d), this appropriation shall not revert to the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following items:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is reappropriated from the TennCare reserve the sum of \$58,700,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item \_\_\_. In the fiscal year ending June 30, 2013, there hereby is reappropriated from the TennCare reserve the sum of \$65,000,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by inserting a new section, to follow Section 70 of this amendment, to read as follows:

SECTION 71. Supplemental Appropriation for Land Acquisition. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In the fiscal year ending June 30, 2012, it is the legislative intent to recognize a contingency appropriation in the amount of \$8,800,000 for land acquisition made under the provisions of Section 75 in Chapter 473, Public Acts of 2011. Funding for the appropriation is identified in the 2012-2013 budget document on page A-10 (\$8,500,000) and in the administration budget amendment overview (\$300,000). Any unexpended balance of the appropriation at June 30, 2012, is hereby reappropriated to be expended in the 2012-2013 fiscal year for the purpose stated in Section 75 of Chapter 473, Public Acts of 2011.

#### **2012-2013 ITEMS AFFECTING REVENUE AVAILABILITY**

AND FURTHER AMEND by deleting in its entirety Item 9 in Section 43 of the printed bill and substituting instead the following:

Item 9. Pursuant to Tennessee Code Annotated, Section 67-6-103(k), there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$400,000 in the fiscal year ending June 30, 2012 and the sum of \$1,000,000 in the fiscal year ending June 30, 2013.

It is the legislative intent that \$600,000 of the \$1,000,000 apportionment is for the purpose of funding the state share of the mandated local cost of Senate Bill 2251 / House Bill 2389, relative to domestic violence, if that bill becomes a law. If that bill does not become a law, then the apportionment to the County Revenue Partnership Fund in

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the year ending June 30, 2013, shall be \$400,000.  
AND FURTHER AMEND by deleting the following language from Title III-31 in Section 1 of the printed bill:

4. Amortization of Authorized and Unissued Construction Bonds ..	88,450,000.00
Total Title III-31 .....	\$ 436,460,000.00

and by substituting instead the following:

4. Amortization of Authorized and Unissued Construction Bonds ..	84,750,000.00
Total Title III-31 .....	\$ 432,760,000.00

**CERTAIN SECTION 1 AND 4 AMENDMENTS**

AND FURTHER AMEND by deleting the following language from Title III-22 in Section 1 of the printed bill:

13. State Employees 2.5% Salary Increase.....	36,000,000.00
27. Severance Benefit Plan.....	2,900,000.00
33. Temporary Office Space .....	6,000,000.00
Total Title III-22 .....	\$ 139,085,300.00

and by substituting instead the following:

13. State Employees 2.5% Salary Increase.....	35,500,000.00
27. Severance Benefit Plan.....	2,100,000.00
33. Temporary Office Space .....	11,400,000.00
34. OIR – Mainframe Outsourcing .....	3,700,000.00
Total Title III-22 .....	\$ 146,885,300.00

AND FURTHER AMEND in Section 1 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14. Department of Mental Health	
1. Administration	
1.1 Administrative Services Division .....	\$ 13,653,000.00
Total Administration.....	\$ 13,653,000.00
2. Mental Health Services	
2.1 Middle Tennessee Mental Health Institute .....	\$ 27,250,000.00
2.2 Western Mental Health Institute.....	19,656,700.00
2.3 Moccasin Bend Mental Health Institute.....	16,379,800.00

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

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2.4	Memphis Mental Health Institute .....	17,110,000.00
2.5	Community Mental Health Services .....	72,854,100.00
2.6	Major Maintenance .....	450,000.00
	Total Mental Health Services .....	\$ 153,700,600.00
3.	Alcohol and Drug Abuse Services	
3.1	Community Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Title III-14 .....	\$ 184,544,200.00

AND FURTHER AMEND in Section 4 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14. Department of Mental Health

1.	Administration	
1.1	Administrative Services Division .....	\$ 4,731,400.00
	Total Administration .....	\$ 4,731,400.00
2.	Mental Health Services	
2.1	Community Mental Health Services .....	\$ 18,300,400.00
2.2	Middle Tennessee Mental Health Institute .....	14,890,200.00
2.3	Western Mental Health Institute .....	13,823,500.00
2.4	Moccasin Bend Mental Health Institute .....	11,467,600.00
2.5	Memphis Mental Health Institute .....	4,094,900.00
	Total Mental Health Services .....	\$ 62,576,600.00
3.	Alcohol and Drug Abuse Services	
3.1	Community Alcohol and Drug Abuse Services .....	\$ 35,255,800.00
	Total Alcohol and Drug Abuse Services .....	\$ 35,255,800.00
	Total Title III-14 .....	\$ 102,563,800.00

AND FURTHER AMEND the printed bill by inserting the following new paragraphs immediately after the introductory paragraph of Section 64 and by inserting the following additional sections immediately after Section 64 as amended and renumbering subsequent sections of the printed bill accordingly:

**LEGISLATION RECONCILIATION**

Provided that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Federal and other departmental revenue adjustments may be made as indicated in the text of the line items or in reconciliation to fiscal notes and to available federal aid. Adjustments to the number of authorized positions indicated in the line items as full-time (FT) and part-time (PT) shall be reconciled to the fiscal notes.

Provided further that the term fiscal note in this item refers to the final fiscal note on the bill as enacted.

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Provided further that the line item appropriation in Item 1 for Senate Bill (SB) 2701 / House Bill (HB) 2889, relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by the bill, if it becomes a law, notwithstanding contrary provisions of this section regarding reconciliation to the fiscal note on the enacted bill.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	Recurring	Non-Recurring
1. Misc. Approp. - Administration Legislation - Delete	\$ (2,000,000)	\$ 0
2. SB 884 / HB 984 - Labor & WFD - Unemployment Benefits for Military Spouses – Reduce	(1,200)	0
3. SB 2199 / HB 2337 - Children's Services - Transitioning Youth Empowerment Act (\$4,800 Federal)	1,900	0
4. SB 2210 / HB 2348 - Education - BEP Class Size and Salary Component Change – Delete	(795,000)	0
5. SB 2233 / HB 2371 - Dept. of Revenue - E-Filing	0	0
6. SB 2246 / HB 2384 - Civil Service Reform	0	0
7. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(247,400)	0
8. SB 2250 / HB 2388 - Correction - Felons with Firearms - Incarceration	4,900	0
9. SB 2251 / HB 2389 - Correction - Domestic Violence – Delete – Replaced by \$600,000 State-Shared Revenue to Counties	(780,000)	0
10. SB 2251 / HB 2389 - Correction - Domestic Violence – Incarceration - Delete	(868,200)	0
11. SB 2252 / HB 2390 - Correction - Gang Related Crime - Incarceration - Reduce	(1,913,900)	0
12. SB 2253 / HB 2391 - Health - Prescription Drug Bill - Controlled Substance Monitoring Database	230,300	0
13. SB 2253 / HB 2391 - Mental Health - Prescription Drug Bill - Controlled Substance Monitoring Database (\$281,700 Federal)	0	0
14. SB 2253 / HB 2391 - Correction - Prescription Drug Bill - Incarceration	29,100	0
15. SB 2280 / HB 2286 - Correction - Imitation Controlled Substances - Incarceration	86,100	0
16. SB 2701 / HB 2889 - Revenue Dept. - Sales Tax	250,000	0

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	<u>Recurring</u>	<u>Non- Recurring</u>
Disaster Relief		
17. SB 2809 / HB 2613 - Higher Education - TBR - Dual Credit Courses	150,000	300,000
18. SB 3018 / HB 3175 - Correction - Controlled Substance Analogue - Incarceration	236,100	0
19. SB 3070 / HB 3459 – Secretary of State - Model Business Corporation Act - Computer Programming (\$400 Departmental Revenue)	0	59,500
20. SB 3620 / HB 3727 - Envir. & Cons. - Bicentennial Mall - Andrea Conte Walking Path - Signs	0	6,000
21. SB 3658 / HB 3431 - Labor & WFD - Unemployment Insurance Benefits - Effort to Secure Work	0	122,000
22. SB 3659 / HB 3429 - Labor & WFD - Unemployment Insurance - Internet-Based Electronic Notices (1 FT, 5 PT)	115,500	0
Total	<u>\$ (5,501,800)</u>	<u>\$ 487,500</u>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues. The appropriation line item below for Senate Joint Resolution (SJR) 353, relative to naming a building at McGhee Tyson Air Guard Base, is from federal sources, and the appropriation for that line item shall take effect upon becoming law, the public welfare requiring it.

	<u>Recurring</u>
1. SB 2247 / HB 2385 - Tennessee Regulatory Authority (5 Part-Time Directors, 1 FT Exec. Dir., -3 FT)	\$ (199,700)
2. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(1,200)
3. SB 3094 / HB 3373 - Transportation - S.R. 385 in Shelby & Fayette Counties - Gov. Dunn Parkway - Signs (Highway Fund Earmark)	300
4. SJR 353 - Military - McGhee Tyson Air Guard Base - Building Named for Maj. Gen. Frederick H. Forster (Federal Funds Earmark)	10,500
Total	<u>\$ (190,100)</u>

**OTHER ADDITIONS TO BUDGET**

SECTION 65. Mortgage Servicer Settlement Agreement.



Item 1. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are contingent upon the state's receipt of funds from the national mortgage servicer settlement agreement(s) or consent judgments approved by the U.S. District Court in April 2012. There hereby is appropriated such sums as may be received from this source.

Item 2. The Commissioner of Finance and Administration is authorized to recognize the national mortgage servicer settlement revenue and allot the appropriations or allocate the funds in the manner required by generally accepted accounting principles; and such allotments and allocations shall be made for purposes and in such amounts available, as directed by the Attorney General and Reporter or the Commissioner of Financial Institutions for the funds each receives. If such funds are received or recognized in state revenue accounts as available in the year ending June 30, 2012, the Commissioner of Finance and Administration is authorized to allot a sum sufficient of such funds as may be expended in fiscal year 2011-2012 and to reserve at June 30, 2012 and 2013, the balance of such funds as may be available for expenditure in fiscal year 2012-2013 or thereafter; and such funds as are reserved at June 30, 2012, hereby are appropriated for expenditure in the year beginning July 1, 2012. At the closing of any fiscal year, it is the legislative intent that revenue received through this settlement shall be reserved for the intended purposes until expended.

Item 3. The State of Tennessee estimates that the amount of \$42,432,810 will be received, including \$41,432,810 by the Attorney General and Reporter and \$1,000,000 by the Department of Financial Institutions, for the benefit of the citizens of the State of Tennessee, to be used for purposes consistent with the applicable provisions of the consent judgments, as directed by the Attorney General and Reporter, including foreclosure prevention counseling; other housing and legal assistance programs; related compliance, investigative, enforcement, and education purposes; or to fund other programs reasonably targeted to housing or tenant issues; and to be used, as directed by the Commissioner of Financial Institutions, for Department of Financial Institutions examiner training, information technology support, financial literacy, and consumer education. From the amount of revenue estimated above, the allocations to be made, subject to approval and adjustments by the Attorney General and Reporter for sub-items (a) through (e) of this item, are as follows, and such amounts in this item hereby are appropriated or allocated for these purposes:

(a) To the general fund, allocation of a civil penalty of \$4,120,781.

(b) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(c) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(d) To the Miscellaneous Appropriations, \$700,000 for grants to four legal aid entities (Memphis Area Legal Services, West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid Society of Middle Tennessee and the Cumberlands) for the purpose of training, education, and legal services relating to housing and foreclosure matters. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the Attorney General

and Reporter or to make the grants as directed by the Attorney General and Reporter.

(e) To the Attorney General's litigation settlement reserve, \$1,862,029, including \$1,637,029 for investigative and enforcement purposes and \$225,000 for executive committee work.

(f) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (a) \$350,000 for examiner training; (b) \$350,000 for information technology support and equipment; (c) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (d) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to adjust these amounts to the amount of revenue available from the settlement(s) and to reallocate amounts among these purposes. The Commissioner of Finance and Administration is authorized to adjust the departmental revenue estimate and allotment of the Treasury Department for the grant to the Financial Literacy Commission.

(g) The Commissioner of Finance and Administration is authorized to adjust the allocations and appropriations in this item as realized receipts require and as directed by the Attorney General and Reporter or, relative to paragraph (f), by the Commissioner of Financial Institutions.

SECTION 66. Budget Reductions Restored. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated from the general fund and education fund, as applicable, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	<u>Recurring</u>	<u>Non- Recurring</u>
1. TennCare for Children's Services - Base Reduction Reconciliation (Federal \$425,200)	\$ 217,200	\$ 0
2. TennCare for Dept. of Finance and Administration, Inspector General - Vacancy Reduction Reconciliation (\$118,800 Federal)	118,800	0
3. Envir. & Cons. - Core Services FY 11 #8 - West TN River Basin Authority Maintenance	0	300,000
4. Education - Core Services FY 10 #20 - Family Resource Centers	0	3,050,000
5. Mental Health - Core Services FY 10 #7 - Peer Support Centers	0	1,377,300

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	<u>Recurring</u>	<u>Non- Recurring</u>
6. Health - Core Services FY 10 #18 - Poison Control Center	375,000	0
7. Intellectual and Developmental Disabilities - Core Services FY 10 #7- Family Support @ \$5.5 M	0	1,000,000
8. TBI - Base Reduction FY 10 #3 - Drug Enforcement Funds	0	603,800
9. Safety - Base Reduction FY 13 #2 - Highway Patrol - Homeland Security & Wrecker Inspection (8 FT)	851,200	0
10. Children's Services - Base Reduction FY 13 #2 - Juvenile Court Supplement	855,000	0
11. Children's Services - Core Services FY 10 #3 - Juvenile Court Prevention Grants - Reduce	(855,000)	0
12. Health - Core Services FY 10 DCS #14 - Healthy Start	0	3,060,100
13. Health - Core Services FY 10 DCS #2 - Child Health & Development (CHAD)	0	838,100
14. Children's Services - Base Reduction FY 13 #9 - Child Advocacy Centers	0	250,000
Total	<u>\$ 1,562,200</u>	<u>\$ 10,479,300</u>

SECTION 67. Group Health Insurance Premium Adjustment. In addition to the amounts appropriated in Section 1 of this act, an amount of \$1,300,000 is appropriated for the purpose of adjusting the state share of group health insurance premium increases at January 1, 2013. The appropriations shall be adjusted as follows, and the Commissioner of Finance and Administration shall allocate the adjustments to the appropriate organizational units.

(a) From the Miscellaneous Appropriations, Group Health Insurance Premium – State Employees, in Section 1, Title III-22-15, reduced by \$2,600,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(b) From the Higher Education systems, in Section 1, Title III-10, reduced by \$2,100,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(c) To the Department of Education, Basic Education Program, in Section 1, Title III-9, Item 2.1(c), an additional \$6,000,000 for the state formula share of a 9.2 percent average increase, rather than the 5 percent included in the Budget Document.

SECTION 68. Other Additions to the Operational Budget. In addition to the amounts appropriated in Section 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

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Item 1. General Fund Appropriations. The following appropriations are from the general fund.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Correction Dept. - Dairy Farm Boiler Operators (3 FT)	\$ 129,100	\$ 0
2. Correction Dept. - Dairy Farm Operation - Utilities	300,000	0
3. Correction Dept. - Big Brothers Big Sisters - Amachi Mentoring for Children of Inmates - Grant	0	250,000
4. TennCare - Medicaid Systems Development Staffing (Federal \$1,252,500) (32 FT)	481,500	0
5. TennCare - Diabetic Test Strips - Rate Adjustment (Federal \$565,900)	289,100	0
6. Finance and Administration - Business Solutions Delivery (8 FT)	1,400,000	0
7. Veterans Affairs - Communications and Public Affairs Position (1 FT)	68,000	0
8. Correction - Local Jails Reimbursement @ \$37 per Day	4,000,000	0
9. Labor & WFD - Career Centers - Federal Revenue Decrease (\$6.8 M)	0	5,000,000
10. Health – Comprehensive Sickle Cell Clinic of Memphis - Grant	0	50,000
11. Safety - Motor Vehicle Operations	<u>1,600,000</u>	<u>900,000</u>
Total	<u>\$ 8,267,700</u>	<u>\$ 6,200,000</u>

Item 2. State Treasurer. From the general fund, the sum of \$200,000 (non-recurring) hereby is appropriated to the State Treasurer for expenditures relative to veterans organizations.

Item 3. Dedicated Source Appropriations. The following appropriations are from dedicated state revenue sources.

	<u>Recurring</u>
1. Agriculture - Beef Promotion Fund - Sum Sufficient from 50¢ per Head Assessment	\$ 235,000
2. Health - Health-Related Boards - Complaint Resolution - Mediator and Investigation Positions (7 FT)	<u>760,400</u>
Total	<u>\$ 995,400</u>

Item 4. State Treasurer. In addition to the appropriation of departmental revenue to the Treasury Department in Section 4, Title III-1, Item 6.1, there hereby is

appropriated from the state pooled investment fund revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g):

(a) An amount not to exceed \$250,000 for costs associated with employee relocation and office consolidation of the Department of Revenue and for costs of providing shared facilities services supporting the Treasury Department and the Department of Revenue.

(b) An amount not to exceed \$200,000 for implementation of image cash letter deposit initiatives within state agencies.

SECTION 69. Reorganization of Appropriations. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	
	Appropriation	Departmental Revenue
1. Correction – Field Services (-44 FT) - Reduce	\$ (4,019,500)	\$ 0
2. Parole Board - Staffing (44 FT)	4,019,500	0
3. Correction - Sentencing Act of 1985 - Reduce	(1,411,900)	0
4. Correction – Southeastern TN Regional Prison Expansion – Accelerated Staffing	1,411,900	0
5. General Services - Real Estate Asset Management – Staffing (-2 FT) – Reduce	(127,500)	0
6. Finance and Administration - State Architect - Staffing (2 FT)	127,500	0
7. Intellectual and Developmental Disabilities – Home- and Community-Based Services - Interdepartmental	0	(6,748,000)
Total	\$ 0	\$ (6,748,000)

### **BUDGET REDUCTIONS AND RECONCILIATION**

SECTION 70. Budget Reductions and Reconciliation.

Item 1. Court System - Core Services Program Reduction. The appropriation in Section 4, Title II, Item 7, to the Court System, Administrative Office of the Courts, from its reserves is reduced by \$456,300, and the authorized positions are reduced by five (5) for the purpose of deleting the item recommended in the 2012-2013 Budget Document, Volume 2, Base Budget Reductions, on pages 99 and 138, and identified as Core Services 2010-2011 Reductions, number 1, Staffing and Operational.

Item 2. Commerce and Insurance Department - Indirect Cost Reconciliation. The appropriation in Section 1, Title III-11, Item 1, Commerce and Insurance, Administration, is reduced by \$2,102,300 and the interdepartmental revenue estimate increased by the same amount to correct the estimated indirect costs of Regulatory Boards to an amount of \$1,280,200, rather than the amount of \$3,382,500 stated on page A-47 of the 2012-2013 Budget Document.

AND FURTHER AMEND in Section 2, Item 12(a), of the printed bill by deleting the figure “\$24,492,500” and substituting in lieu thereof the figure “\$25,904,400”.

AND FURTHER AMEND in Section 11, Item 1 of the printed bill by deleting sub-item (b) in its entirety and substituting instead:

(b) The dollar value of the BEP instructional positions component shall be thirty-nine thousand eight hundred forty-nine dollars (\$39,849);

**SECTION 39 – FEDERAL AND OTHER DEPARTMENTAL REVENUE**

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2012, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2012.

(a) There hereby is appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
District Attorneys General Conference		
1. District Attorneys General	\$ 143,400	\$ 0
Higher Education - State Administered Programs		
1. Tennessee Higher Education Commission	150,000	0
Labor and Workforce Development		
1. Employment Security	1,362,100	0
Mental Health		
1. Community Alcohol and Drug Abuse Services	\$ 2,090,700	\$ 4,354,600
2. Community Mental Health Services	0	2,200,000
Sub-Total Mental Health	\$ 2,090,700	\$ 6,554,600
Health		
1. Maternal and Child Health	\$ 500,000	\$ 7,852,200
2. Communicable and Environmental Disease Services	26,900	90,400
3. Community and Medical Services	129,600	0

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4. Local Health Services	<u>509,800</u>	<u>0</u>
Sub-Total Health	\$ 1,166,300	\$ 7,942,600
Children's Services		
1. Custody Services	<u>0</u>	<u>30,000</u>
Sub-Total Section 39(a)	<u>\$ 4,912,500</u>	<u>\$14,527,200</u>

The Commissioner of Finance and Administration is authorized to establish eighteen (18) full-time positions and to allocate them to the appropriate organizational units, including three (3) positions in the District Attorneys General Conference; one (1) in the Department of Commerce and Insurance, Tennessee Law Enforcement Training Academy; five (5) positions in the Department of Labor and Workforce Development; and nine (9) positions in the Department of Health, including eight (8) for continuation of federally funded positions in the Division of Communicable and Environmental Disease Services.

(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
Executive Department		
1. Governor's Office	\$ 15,000	\$ 45,000
Health		
1. Maternal and Child Health	69,800	209,500
Human Services		
1. Community Services	<u>127,900</u>	<u>554,100</u>
Sub-Total Section 39(b)	<u>\$ 212,700</u>	<u>\$ 808,600</u>

The Commissioner of Finance and Administration is authorized to establish three (3) full-time positions and to allocate them to the appropriate organizational units, including one (1) position in the Executive Department, one (1) position in the Department of Health, and one (1) position in the Department of Human Services.

Total Section 39	<u>\$ 5,125,200</u>	<u>\$15,335,800</u>
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**CAPITAL OUTLAY**

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1 of the printed bill:

5.	Department of Environment and Conservation .....	12,940,000.00
7.	Department of General Services.....	12,930,000.00
13.	Tennessee Board of Regents .....	48,930,000.00
14.	University of Tennessee .....	34,345,000.00

Total Title III-32 ..... \$ 138,600,000.00

and by substituting instead the following:

5.	Department of Environment and Conservation .....	13,940,000.00
7.	Department of General Services.....	15,660,000.00
13.	Tennessee Rehabilitative Initiative in Correction .....	2,600,000.00
14.	Tennessee Board of Regents .....	48,930,000.00
15.	University of Tennessee .....	34,345,000.00

Total Title III-32 ..... \$ 144,930,000.00

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

Item \_\_\_. The capital maintenance project, ETSU CoM Family Practice Replace Roof, to be funded in the amount of \$500,000 from the Tennessee Board of Regents appropriation in Section 1, Title III-32, Item 14 of this act and listed on page A-147 of the 2012-2013 budget document, is deleted and there is hereby reappropriated the sum of \$500,000 for the ETSU CoM Education Building Electrical Updates.

Item \_\_\_. In addition to the capital budget projects listed on pages A-144 through A-146 of the 2012-2013 budget document, two capital improvement projects and one capital maintenance project are funded in the appropriations in Section 1, Title III-32, Items 5, 7 and 13 of this act:

(a)	Department of Environment and Conservation - Radnor Lake State Natural Area – Land Acquisition	\$1,000,000.00
(b)	Department of General Services – Capital Maintenance - Management Support Services	\$2,730,000.00
(c)	Tennessee Rehabilitative Initiative in Correction - Cook-Chill Equipment Replacement and Repair	\$2,600,000.00

**SECTION 1 AND 4 AMENDMENTS - FACILITIES REVOLVING FUND (FRF)**

AND FURTHER AMEND by deleting the following language from Title III-29 in Section 1 of the printed bill:

2.	General Services Project Maintenance.....	5,547,600.00
3.	Capital Projects .....	125,100,000.00
Total Title III-29 .....		\$ 138,164,800.00

and by substituting instead the following:

2.	General Services Project Maintenance.....	1,100,000.00
3.	Facilities Management.....	5,547,600.00
4.	Capital Projects .....	115,870,000.00



Total Title III-29 ..... \$ 130,034,800.00

AND FURTHER AMEND by deleting the following language from Title III-26 in Section 4 of the printed bill:

4. Capital Projects ..... 6,680,000.00

Total Title III-26 ..... \$ 138,902,200.00

and by substituting instead:

4. Capital Projects ..... 13,667,300.00

Total Title III-26 ..... \$ 145,889,500.00

**HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY**

**FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES**

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new item to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-150 through A-151 in the 2012-2013 Budget Document:

**State University and Community College System  
(Tennessee Board of Regents)**

**Austin Peay State University**

Dunn Center Scoreboard Replacement

\$ 1,870,000

**Total APSU**

**\$ 1,870,000**

**East Tennessee State University**

Baseball Stadium Upgrades

\$ 4,500,000

Gray Fossil Site Improvements

180,000

Pedestrian Safety Improvements

1,000,000

**Total ETSU**

**\$ 5,680,000**

**Middle Tennessee State University**

Athletic Track Refurbishment

\$ 400,000

Data Center Consolidation

5,250,000

Keathley University Center Renovation

3,000,000

McFarland Building Renovations	2,000,000
<b>Total MTSU</b>	<b>\$ 10,650,000</b>

**Tennessee State University**

Campus-wide Relocations and Renovations	\$ 250,000
Charter School Facilities Development	1,700,000
Hankal Hall Relocations and Renovations	1,000,000
<b>Total TSU</b>	<b>\$ 2,950,000</b>

**Tennessee Technological University**

Foundation Hall Parking	\$ 630,000
Intramural Sports and Activities Building	7,210,000
Parking and Transportation Improvements	750,000
Warf/Ellington Residence Hall Upgrade	2,250,000
Science & Engineering Complex Parking Garage	18,000,000
Tech Village Apartments Renovations Phase 3	9,680,000
<b>Total TTU</b>	<b>\$ 38,520,000</b>

**University of Memphis**

Annex Facility Improvements	\$ 400,000
Dining Pavilion Construction	150,000
Emergency Operations Generator	150,000
Intramural Field Development	1,300,000
Park Avenue Campus Entry	500,000
Traffic and Circulation Improvements	3,000,000
Zach Curlin Parking Extension	1,100,000
Carney-Johnston Dormitory Renovation	3,000,000
Dormitory Reroofing	920,000
<b>Total UoM</b>	<b>\$ 10,520,000</b>

**Cleveland State Community College**

Fire Alarm System Upgrade	\$ 1,000,000
<b>Total CLSCC</b>	<b>\$ 1,000,000</b>

**Jackson State Community College**

Student Center Repairs and Updates	\$ 500,000
<b>Total JSCC</b>	<b>\$ 500,000</b>

**Nashville State Community College**

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Antioch Teaching Site Renovations	\$	3,680,000
<b>Total NASCC</b>	<b>\$</b>	<b>3,680,000</b>

**Pellissippi State Community College**

Campus Window Replacement	\$	300,000
Career Center Renovation		700,000
Division Street Parking		820,000
Magnolia Campus Student Parking		600,000
Modular Classroom Building		370,000
<b>Total PSCC</b>	<b>\$</b>	<b>2,790,000</b>

**Southwest Tennessee Community College**

F Building Renovations	\$	190,000
Whitehaven Renovations		5,600,000
<b>Total STCC</b>	<b>\$</b>	<b>5,790,000</b>

**Volunteer State Community College**

Campus Loop Road Extension	\$	3,000,000
Wood Campus Center Upgrades		3,000,000
<b>Total VSCC</b>	<b>\$</b>	<b>6,000,000</b>

**TTC Nashville**

Aviation Hanger Construction	\$	100,000
<b>Total TTC Nashville</b>	<b>\$</b>	<b>100,000</b>

<b>Total Tennessee Board of Regents</b>	<b>\$</b>	<b>90,050,000</b>
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**University of Tennessee System**

**University of Tennessee Chattanooga**

West Campus Parking & Housing Complex Planning	\$	2,500,000
Arena Renovations Planning		100,000
Dining Services Improvements		1,000,000
Life Sciences Laboratory Facility Planning		3,000,000
<b>Total UTC</b>	<b>\$</b>	<b>6,600,000</b>

**UT Institute of Agriculture**

Energy & Enviro. Sciences Education Ctr. Planning	\$	2,000,000
<b>Total UTIA</b>	<b>\$</b>	<b>2,000,000</b>

**University of Tennessee Knoxville**

Phillip Fulmer Way Expansion	\$	15,000,000
Greve Hall Improvements Phase 2		4,000,000
Panhellenic Building Renovation Phase 2		4,000,000
Lab Renovations		11,000,000
Deferred Maintenance		12,500,000
New Student Housing Planning		3,000,000
<b>Total UTK</b>	<b>\$</b>	<b>49,500,000</b>

**UT Martin**

Fine Arts Renovation and Addition Planning	\$	500,000
Football Pressbox Improvements Planning		100,000
<b>Total UTM</b>	<b>\$</b>	<b>600,000</b>

<b>Total University of Tennessee</b>	<b>\$</b>	<b>58,700,000</b>
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<b>Grand Total</b>	<b>\$</b>	<b>148,750,000</b>
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The UT Chattanooga request for Mackenzie Arena Seating & Curtain System Improvements in the amount of \$1,200,000 and the UT Knoxville request for Shelbourne Tower Renovation in the amount of \$18,000,000 as identified on page A-151 of the 2012-2013 Budget Document are to be canceled.

**OTHER PROVISIONS**

AND FURTHER AMEND in Section 29 by inserting the following new item at the end of the section:

Item \_\_\_\_\_. From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

AND FURTHER AMEND in Section 9, Item 4, by deleting the words “investment performance” and substituting in lieu thereof the words “investment and pensions administration performance” and by deleting the words “investment staff” and inserting in lieu thereof the words “investment and administrative staff”.

AND FURTHER AMEND in Section 9, Item 5, by deleting the words and punctuation “for payment of Unclaimed Property – Claims” and inserting in lieu thereof the words and punctuation “, Unclaimed Property, for payment of claims and claims administrative expense”.

AND FURTHER AMEND in Section 34 of the printed bill by inserting a new item to read:

Item \_\_\_. To the administration and support services programs in Section 1, Title III-10, Items 1.1 through 1.7, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation.

AND FURTHER AMEND in Section 35 of the printed bill by inserting a new item to read:

Item \_\_\_. To the University of Tennessee System in Section 1, Title III-10, Item 3 to provide for technical corrections to the allocation of funding for 401K benefits.

AND FURTHER AMEND in Section 36, by deleting Item 56 in its entirety and inserting in lieu thereof the following:

Item 56. To the Treasury Department for college savings incentive initiatives and a college savings plan in Public Acts of 2010, Chapter 1108, Section 1, Title III-1, Item 7.3, and Section 35, Item 3; and Public Acts of 2011, Chapter 473, Section 1, Title III-1, Item 7.3, and Section 72, Item 3, and Section 36, Item 60.

AND FURTHER AMEND in Section 36 of the printed bill by inserting new items at the end of the section to read:

Item \_\_\_. To the Department of Children's Services in Section 1, Title III-23 to fund operational expenses during the closure process of the Taft Youth Developmental Center. The carry-forward amount is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. To the Department of Environment and Conservation in Section 1, Title III-5, the unexpended balance of the \$750,000 non-recurring appropriation for May 2010 flood, stream debris removal and repair.

AND FURTHER AMEND in Section 41 by inserting the following new items at the end of the section:

Item \_\_\_. For the purpose of defraying administrative costs of authorized programs of the Tennessee Local Development Authority, there is hereby appropriated to the Tennessee Local Development Authority an amount not to exceed \$700,000 from loan repayment amounts attributable to community provider loans. Such amounts shall be determined as necessary by the State Funding Board and the Tennessee Local Development Authority.

Item \_\_\_. Court Interpreter Services. The cost increase described in the Budget Document on page B-212 as "General Sessions Courts – Interpreter Services" is incorrectly described in the Budget Document. From the appropriation to the Court System, Administrative Office of the Courts, in Section 1, Title II, Item 13, the sum of \$2,000,000 hereby is appropriated for the purpose of providing interpreter services, in accordance with the rules prescribed by the Supreme Court, to persons with limited English language proficiency who have a matter before courts established by or pursuant to Tennessee law. Provided further that the appropriation is authorized to be transferred by the Commissioner of Finance and Administration to a new line item to be called Court Interpreter Services; and provided further that the commissioner, subject to

approval of the Administrative Director of the Courts, is authorized to transfer the sum of \$1,000,000 from Indigent Defendants Counsel to Court Interpreter Services, such sum being the estimated amount that otherwise would be expended for interpreter services to indigent defendants in criminal cases in the state courts.

Item \_\_. Settlement and Judgment Awards and Similar Awards. In addition to the appropriations in Public Acts of 2011, Chapter 473, and in this act, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards hereby are appropriated for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. At June 30, 2012, and any subsequent fiscal year end, the unexpended balance of such funds shall be reserved and carried forward for expenditure in the subsequent fiscal year; and such funds as are carried forward hereby are appropriated for the intended purposes. The provisions of this item shall not require the reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item \_\_. Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

#### **OVER-APPROPRIATION AND REVERSION ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language and punctuation from Item 1(a) in Section 43 of the printed bill:

“and a non-recurring reversion of \$94,500,000.”

and by substituting instead the following:

“and a non-recurring reversion of \$107,100,000.”

AND FURTHER AMEND by inserting a new sub-item in Item 1 in Section 43 of the printed bill to read:

(c) In fiscal year 2012-2013 to recognize an Office for Information Resources (OIR) rate decrease in the estimated recurring amount of \$2,600,000 by reducing appropriations made in Section 1 of this act.

**TENN-CARE FEDERAL PROGRAM EXPANSION**

AND FURTHER AMEND by inserting a new item in Section 48 of the printed bill to read:

Item \_\_. There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

**2012-2013 SALARY POLICY**

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 49 of the printed bill and by renumbering the subsequent items in Section 49.

AND FURTHER AMEND by inserting a new paragraph at the end of the newly designated Item 4 in Section 49 (Item 5 of the printed bill) to read:

From the \$15,000,000 appropriation it is the legislative intent to earmark for non-executive agencies the following amounts in fiscal year 2012-2013:

Legislature .....	\$ 253,500.00
Fiscal Review Committee.....	12,000.00
Court System .....	244,500.00
Attorney General and Reporter .....	550,000.00
Secretary of State .....	225,000.00
Comptroller of the Treasury .....	379,500.00
Treasury Department .....	1,500.00
Total Non-Executive Agencies .....	\$1,666,000.00

AND FURTHER AMEND in Section 60 of the printed bill by adding the following at the end of the first paragraph:

Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

**HOUSEKEEPING PROVISIONS**

AND FURTHER AMEND in Section 1, Title III-30, in the fourth paragraph thereof, by deleting the word "Chairmen" in both instances and substituting in both places the word "Chairs".

AND FURTHER AMEND in Section 3, Item 1, in the third paragraph, by deleting the word "chairman" and substituting in lieu thereof the word "chair".

AND FURTHER AMEND and in Section 6, Item 12, by deleting the citation "Senate Bill \_\_\_\_ / House Bill \_\_\_\_" in both instances and substituting in lieu thereof in both places the citation "Senate Bill 3769 / House Bill 3836".

AND FURTHER AMEND in Section 7, Item 1, by deleting the date "2011-2012" and substituting in lieu thereof the date "2012-2013".

AND FURTHER AMEND in Section 7, Item 2, by deleting the word "Chairman" and substituting in lieu thereof the word "Chair" and by deleting the word "him" in both instances and in the first instance substituting the words "the Chair" and in the second instance substituting the words "the Secretary".

AND FURTHER AMEND in Section 7, Item 12, by deleting the word "firemen" and substituting in lieu thereof the word "firefighters", by deleting the word "fireman's" and substituting the word "firefighter's", and by deleting the word "his" and substituting the word "the".

AND FURTHER AMEND in Section 7, Item 13, by deleting the word "his" and substituting in lieu thereof the word "the".

AND FURTHER AMEND in Section 8, Item 5, by deleting the first comma and by inserting after the word and punctuation "General," the words and punctuation "in accordance with Tennessee Code Annotated, Section 8-6-106,".

AND FURTHER AMEND in Section 8, Item 11, by deleting the word "Agency" and inserting in lieu thereof the word "Authority".

AND FURTHER AMEND in Section 8, Item 16(e) by deleting the words and citation "and Section 67-4-606".

AND FURTHER AMEND in Section 8, Item 19(e) by deleting the word "Authority" and substituting in lieu thereof the word "Agency".

AND FURTHER AMEND in Section 8, Item 30(b) by deleting the words and date "Act of 1989" and substituting in lieu thereof the words "Incentive Account".

AND FURTHER AMEND in Section 8, Item 37, by deleting the word "unit" and substituting in lieu thereof the word "Division".

AND FURTHER AMEND in Section 10, Item 16, of the printed bill by inserting after the citation "Item 2," the words "and in Section 68, Item 1 (8)," and by deleting the amount "\$35.00" in all three places and inserting in lieu thereof the amount "\$37.00".



AND FURTHER AMEND in Section 10, Item 17, by deleting the amount “five hundred dollars (\$500.00)” and substituting in lieu thereof the amount “one thousand dollars (\$1,000.00)”.

AND FURTHER AMEND in Section 10, Item 25, by deleting the word “specialty” and inserting in lieu thereof the words and punctuation “cultural, specialty earmarked, new specialty earmarked, and collegiate”; and by inserting the following before the period at the end of the sentence: “, as provided in Tennessee Code Annotated, Title 55, Chapter 4”.

AND FURTHER AMEND in Section 10, by renumbering items 30, 31, 32, and 33, as items 28, 29, 30, and 31, respectively.

AND FURTHER AMEND in Section 12, Item 2, by deleting the TCA citation “4-5-209” and substituting in lieu thereof the citation “4-5-208”.

AND FURTHER AMEND in Section 12, Item 3, by deleting the words “bill is minimal” and inserting in lieu thereof the words “bill as enacted is minimal”.

AND FURTHER AMEND in Section 15, Item 7 of the printed bill by deleting the words “Finance and Administration” in two places in the item and substituting instead the words “General Services” in both places.

AND FURTHER AMEND in Section 20 by deleting the year “2012” and substituting in lieu thereof the year “2013”.

AND FURTHER AMEND in Section 23, Item 1, in the second paragraph, in its first sentence, by deleting the words “estimated federal” and inserting in lieu thereof the word “federal”.

AND FURTHER AMEND the printed bill in Section 23, Item 3, by deleting the item in its entirety and by substituting instead the following:

Item 3. The capital budget and appropriations for capital outlay shall be presented as provided in Senate Bill 2418 / House Bill 2552 or Senate Bill 3771 / House Bill 3839, if such provisions in either bill become law. If such provisions in either cited bill do not become law, the following provisions of this item shall not apply and Tennessee Code Annotated, Section 9-4-5108(b) shall apply; if such provisions in either cited bill become law, then the provisions of such bill and the following provisions of this item shall apply:

The capital budget, to be included in part 3 of the budget document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars (\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be specified in such detail in the budget document as the Governor shall determine. Appropriations for capital improvement and capital maintenance projects shall be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the budget document.

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AND FURTHER AMEND in Section 23, Item 4, of the printed bill by deleting the word “Chairmen” and inserting in lieu thereof the word “Chairs”.

AND FURTHER AMEND in Section 26, Item 6, by deleting, in the first instance in which they appear, the words “as authorized under” and substituting in lieu thereof the words “at the same rates and in the same manner provided by”.

AND FURTHER AMEND in Section 28 by inserting after the word “Administration” at the end of the second sentence the words “and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304”.

AND FURTHER AMEND in Section 31 of the printed bill by:

(a) deleting the following language:

2. Mental Health Services block grant in the amount of \$8,174,600

and inserting in lieu thereof the following:

2. Mental Health Services block grant in the amount of \$10,374,600

; and,

(b) deleting the following language:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$30,275,500

and inserting in lieu thereof the following:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,275,500

AND FURTHER AMEND in Section 35, Item 1, by inserting after the word and punctuation “Counsel,” the words and punctuation, “Court Interpreter Services,”.

AND FURTHER AMEND in Section 36, Item 57, by deleting the citation “Section 77, Item 19” and inserting in lieu thereof the citation “Section 41, Item 35, of this act”.

AND FURTHER AMEND in Section 36, Item 4, by deleting the TCA citation “67-4-606(a)(B)(9)” and substituting in lieu thereof the citation “67-4-606(a)(9)”.

AND FURTHER AMEND in Section 41, Item 19, by deleting the words and punctuation “(d) Governor’s Schools; and (e) Governor’s Institute for Science and Math” and inserting in lieu thereof the words and punctuation “and (d) Governor’s Schools”.

AND FURTHER AMEND in Section 41, Item 20, by deleting the words “the Tennessee Infant Parent Services School” and inserting in lieu thereof the words “Tennessee Early Intervention Services”.

AND FURTHER AMEND in Section 41, Item 24, by deleting the word “rent” and inserting in lieu thereof the word “rental”.

AND FURTHER AMEND in Section 41, Item 33, by deleting the TCA citation “67-801(b)(1)” and substituting in lieu thereof the citation “67-1-801(b)(1)”.

AND FURTHER AMEND by inserting new items at the end of Section 41 of the printed bill to read:

Item \_\_. The Commissioner of Finance and Administration is authorized to establish three (3) additional full-time positions in the Department of Environment and Conservation, State Parks, to correct a position count error.

Item \_\_. The Commissioner of Finance and Administration is authorized to establish one (1) additional full-time position in the Comptroller of the Treasury, Division of County Audit, to correct a position count error.

AND FURTHER AMEND in Section 48 of the printed bill by deleting in Item 7 the date “June 30, 2012” and the figure “\$10,100,000” and by substituting instead the date “June 30, 2013” and the figure “\$8,969,100”.

AND FURTHER AMEND by adding the following new sections:

**DEDICATED SOURCE & EARMARKS**

**SECTION 72.**

**Item 1.**

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Chapter 734 of the Public Acts of 2012, Chapter 739 of the Public Acts of 2012, Chapter 740 of the Public Acts of 2012, Senate Bill 2278 / House Bill 2682, Senate Bill 2401 / House Bill 2329, Senate Bill 2678 / House Bill 2803, Senate Bill 2684 / House Bill 2794, Senate Bill 2732 / House Bill 2793, Senate Bill 2733 / House Bill 2878, Senate Bill 2778 / House Bill 3570, House Joint Resolution 872, and Senate Joint Resolution 629, if such bills and resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act.

(c) This item shall take effect upon becoming a law, the public welfare requiring it.

Item 2. From funds available and appropriated to the Department of Commerce and Insurance (Scrap Metal Registration Program), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 2895 / House Bill 3246, relative to scrap metal dealers, if such bill becomes law.

Item 3. From funds available and appropriated to the Department of Health (Division of Health Related Boards), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3644 / House Bill 3688, relative to electronic notifications, if such bill becomes law.

Item 4. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 3655 / House Bill 3690, relative to licenses for disabled minors, if such bill becomes law.

Item 5. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$400 for the sole purpose of implementing Senate Bill 3590 / House Bill 2776, relative to reorganization of the agency, if such bill becomes law.

Item 6. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 2403 / House Bill 2294, relative to licenses for persons with intellectual disabilities, if such bill becomes law.

Item 7. From funds appropriated the University of Tennessee System and the Tennessee Board of Regents System, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3022 / House Bill 3665, relative to higher education, if such bill becomes law.

Item 8. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 221, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 9. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution 183 and/or Senate Joint Resolution 710, in accordance with Section 3 of Article XI of the Tennessee Constitution, if either, or both, such resolutions are adopted.

Item 10. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 222, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 11. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771 / House Bill 3839, if such bill becomes law.

### **LEGISLATIVE INITIATIVES**

SECTION 73. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it.

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (recurring) to the department of finance and administration for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the Tennessee department of health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,500,000 (non-recurring) to the Commission on Children and Youth for the sole purpose of continuation of the Children's Program Outcome Review Team (C-PORT) contract.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Intercollegiate State Legislature Foundation, for the sole purpose of programmatic and operational expenses of its 43rd General Assembly caused by the temporary closure of the Tennessee State Capitol.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of making a grant in such amount to the West Tennessee River Basin Authority, to be used for major maintenance.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 6. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,000 (non-recurring) to the Department of Tourist Development for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$4,281,500 (non-recurring) to the Department of Intellectual and Developmental Disabilities for the sole purpose of the family support program.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (recurring) to the Department of Education for the sole purpose of internet connectivity.

Item 9. In addition to any funds otherwise appropriated by this act, there is appropriated to the Department of Finance and Administration, Bureau of TennCare a sum sufficient, including any federal aid funds, to be expended for the purpose of fully

restoring for fiscal year 2012-2013 the rate reductions applicable to home health providers that were effective January 1, 2012.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Department of Mental Health for the sole purpose of peer support services.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee historical commission for the sole purpose of making a grant in such amount to the Stax Museum in Memphis, to be used for defrayal of operational costs.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the National Civil Rights Museum, to be used for renovations, programs, services and operational expenses.

Item 15. In addition to any other funds appropriated by the provisions of this act to the University of Tennessee, there is appropriated the sum of \$180,000 (recurring) to the University of Tennessee at Martin to restore funds reduced in accordance with the provisions of Chapter 473 of the Public Acts of 2011.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$206,300 (non-recurring) to the Department of Health for the sole purpose of the epilepsy program.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,600 (non-recurring) to the Department of Health for the sole purpose of shaken baby syndrome services.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$180,000 (non-recurring) to the Department of Education for the sole purpose of grants-in-aid to science alliance museums.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$85,000 (non-recurring) to the Department of

Agriculture for the sole purpose of water quality. One (1) full time position is authorized to be retained.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$801,100 (recurring) to Secretary of State for the sole purpose of restoring base funding for three regional library offices and authorizing no more than 14 positions for the regional library system.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Department of Health for the sole purpose of continuous enrollment of eligible individuals in the HIV Drug Assistance Program (HDAP). The appropriation in this item is contingent upon notice from the Department of Health, STD/HIV/AIDS Services, that a waiting list for the HDAP program will be instituted within thirty (30) days.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the West Tennessee Seismic Safety Commission, to be used for training, travel, development of programming including public meetings, educational materials for schools and equipment pertaining to research and seismic related programs.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (recurring) to the Tennessee board of regents for the sole purpose of development and implementation of articulation agreements between public institutions of higher education for the acceptance of credit for courses taken under dual enrollment, dual credit, Advanced Placement, International Baccalaureate and other similar programs.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Health for the sole purpose of the vaccine billables project.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

35% to Second Harvest Food Bank of Middle Tennessee;  
25% to Memphis Food Bank;  
20% to Second Harvest Food Bank of East Tennessee;  
10% to Chattanooga Area Food Bank;

10% to Second Harvest Food Bank of Northeast Tennessee.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the Tennessee Board of Regents for the sole purpose of development of a comprehensive and collaborative gang and crime reduction strategies program at the University of Memphis / University of Memphis Lambuth Campus in Jackson. It is the legislative intent that such program will connect law enforcement and government agencies in small cities and rural communities throughout west Tennessee and equip them with the necessary tools and support needed for addressing gang and crime activity.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Education for the sole purpose of making a grant in such amount to the Education Equal Opportunity Group, Inc. (EEOG), to be used to support student participation in EEOG programs for at-risk and under-served students.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$400,000 (non-recurring) to the Department of Finance and Administration for the purpose of making grants to the Cultural Museum Association of Tennessee for development and research of Underground Railroad sites in Tennessee and coordinated activities with the Civil War Sesquicentennial Commission Celebration. Such grants to be awarded as follows:

Alex Haley Museum of Henning	\$ 50,000
Beck Cultural Exchange Center of Knoxville	\$ 100,000
Betsy Smith Cultural Center of Chattanooga	\$ 100,000
Bradley Academy Museum and Cultural Center of Murfreesboro	\$ 50,000
National Civil Rights Museum of Memphis	\$ 100,000

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000,000 (non-recurring) to the board of regents for the purpose of providing equipment for and expanding programs at the Tennessee technology centers.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$3,964,053 (non-recurring) to the board of regents for the purpose of providing equipment for and expanding programs at the community colleges.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to Department of Labor and Workforce Development for the sole purpose of providing free and reduced fee GED testing. It is the intent of the General Assembly that such funding be maximized to provide for educational opportunities to the greatest number of Tennessee citizens.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee CASA, to be used for programs and services.



Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the TennCare program for the sole purpose of making grants to non-emergency transportation providers to offset the rising cost of fuel. It is the legislative intent that such funds be distributed to non-emergency transportation providers on the basis of the proportion of non-emergency miles provided by each such provider for the TennCare program during fiscal year 2011-2012.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000,000 (recurring) to the Tennessee student assistance corporation (TSAC) for the sole purpose of supplementing Tennessee student assistance awards.

Item 36. In addition to any other funds appropriated by the provisions of this act, the sum of \$80,000,000 is appropriated in lieu of issuing proposed bonds. The State Funding Board shall take the necessary action to cancel unissued bonds.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$13,140,700 (recurring) to the department of education for the sole purpose of supplementing K-12 capital outlay. In addition, it is the legislative intent that the appropriation of \$10,391,200 otherwise made to the department of education in Section 1 for K-12 capital outlay be recurring.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$16,059,400 (recurring) to the University of Tennessee System and the Tennessee Board of Regents for the sole purpose of restoring base appropriations for higher education academic units. It is the intent of the General Assembly that such appropriation be utilized to reduce tuition increases in such systems.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Hardeman County Computer Club, to be used for equipment, programs and operational expenses.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$5,000,000 (non-recurring) to the Department of Education for the sole purpose of the career ladder program, extended contracts.

Item 41. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$5,000,000 (recurring) to the district public defenders conference for the sole purpose of making a grant in the amount of \$2,000,000 (recurring) to the 20th Judicial District and a grant in the amount of \$3,000,000 (recurring) to the 30th Judicial District, to be used for operational expenses.

Item 42. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Tennessee Historical Commission for the sole purpose of research and publication of 1,200 hardbound copies of the next volume of the Biographical Directory of the Tennessee General Assembly.

**LANGUAGE AMENDMENTS**

SECTION 74.

Item 1. From the funds appropriated by this act, the department of finance and administration is directed to study the increasing prices of gasoline compared to the applicable rate of mileage reimbursement paid to state employees, excluding members of the general assembly, for using personally owned or leased vehicles in the course of official state business. The department shall propose recommendations arising from the study, including recommendations for increasing the rate of reimbursement when the average price of regular gas in this state exceeds four dollars (\$4.00) per gallon or a higher amount, as certified by the American Automobile Association's ("AAA") Daily Fuel Gauge Report. Such recommendations shall be reported to the chairs of the finance, ways and means committees of the senate and the house of representatives no later than December 1, 2012.

Item 2. Each state agency shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis when the agency applies for a federal grant of more than \$100,000.

Item 3. From the appropriations made in this act, the Department of Finance and Administration, Bureau of TennCare, is requested to examine the impact to the budget of moving the CoverKids program, Tennessee's Children's Health Insurance Program (CHIP), into the TennCare program. The Bureau of TennCare shall report no later than January 1, 2013 to the chairs of the finance, ways and means committees of the senate and the house of representatives on the budget impact.

Item 4. It is the legislative intent that in the fiscal year ending June 30, 2013 and in subsequent fiscal years, any required reversion to the general fund balance from any unexpended funds available to the Secretary of State, Division of Public Documents, be reduced by a sum sufficient and transferred to the division for the sole purpose of funding any joint resolution, that becomes law, calling for an amendment to the Tennessee Constitution. It is the legislative intent that such funding be used to provide notice of any constitutional amendments proposed by the General Assembly.

Item 5. From the appropriations made in this act, the Administrative Office of the Courts is requested to conduct a statewide study of the assessment of all unpaid court fees, fines and costs compared to the actual collection of such fees, fines and costs. The study shall be limited to those assessments and collections made in the 2011-2012 fiscal year. The results of the study, including any recommended legislation, shall be reported to the chairs of the finance, ways and means committees, the judiciary committees of the senate and house of representatives, and the executive director of the fiscal review committee no later than January 1, 2013.

SECTION 75. The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there is hereby appropriated a sum sufficient for implementation of any legislation cited, or otherwise described by category, in this act that has an effective date prior to July 1, 2012.

**FACILITIES REVOLVING FUND (FRF)**

SECTION 76. It is the legislative intent to recognize revisions in the Facilities Revolving Fund (FRF) capital improvements and capital maintenance projects listed on pages A-170 and A-171 of the 2012-2013 budget document. The projects are funded by appropriations made in Section 1, Title III-29, Item 4, and in Section 4, Title III-26, Item 4, of this act and from residual bond reserves of the Facilities Revolving Fund.

Item 1. In addition to the projects identified in the 2012-2013 budget document, \$4,720,000 is provided from revenues of the Facilities Revolving Fund for Capital Maintenance – Management Support Services.

Item 2. In addition to the projects identified in the 2012-2013 budget document, \$3,900,000 is provided from residual bond reserves (\$3,100,000) of the Facilities Revolving Fund and Office of Information Resources revenues (\$800,000) for the OIR Data Center North Renovation.

Item 3. The Davy Crockett Building Renovations project in the amount of \$1,000,000, as identified in the 2012-2013 budget document is hereby increased by \$2,720,000 in state appropriations, and \$1,480,000 from revenues of the Facilities Revolving Fund.

Item 4. In addition to the projects identified in the 2012-2013 budget document, \$427,300 is provided from revenues of the Facilities Revolving Fund to address security upgrades of the Legislative Plaza.

Item 5. The Rachel Jackson Building Renovations project in the amount of \$2,200,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 6. The R.S. Gass Laboratory Interior Renovations project in the amount of \$2,450,000, as identified in the 2012-2013 budget document, is hereby reduced by \$1,800,000.

Item 7. The John Sevier Interior Renovation project in the amount of \$6,000,000 as identified in the 2012-2013 budget document, is hereby canceled.

Item 8. The Central Services Building Interior Renovation project in the amount of \$1,950,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 9. The TPS Hardison Complex Flooring Updates project in the amount of \$440,000, as identified in the 2012-2013 budget document, is hereby canceled.

**PUBLIC DEFENDER OFFICES**

SECTION 77. Public Defender Offices in Davidson and Shelby Counties.

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The commissioner of finance and administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the speakers of the senate and house of representatives; the chairs of the finance, ways and means committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders"; the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 budget document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

### **HIGHER EDUCATION LOTTERY SCHOLARSHIPS**

AND FURTHER AMEND by adding the following language as new items to Section 52:

Item 6. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing any bill relative to the lottery scholarship program that becomes law and is not otherwise funded in this act.

### **MISCELLANEOUS**

AND FURTHER AMEND by adding the following paragraph to the end of Section 23, Item 3:

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The Commissioner of Finance and Administration shall provide a written quarterly report to the director of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

AND FURTHER AMEND by adding the following sentence to the end of Section 63, Item 2:

It is the intent of the general assembly that such funds shall not be distributed by means of the higher education formula.

AND FURTHER AMEND by deleting the item within Section 29 which reads as follows:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

and by substituting instead the following language:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system. The Tennessee Board of Regents shall file a written report with the chairs of the Education Committees of the Senate and House of Representatives concerning the provisions of this item.

AND FURTHER AMEND by adding the following sentence to the end of the item within Section 41 which begins "Settlement and Judgment Awards and Similar Awards":

The Attorney General and Reporter shall file a written report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

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(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

and by substituting instead the following:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

AND FURTHER AMEND by deleting the item within Section 48 which reads as follows:

There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

(1) Insert between Sections 64 and 65 of the printed bill any new sections added to the bill so that Sections 65 through 69 of the printed bill will be the renumbered final sections of the engrossed bill;

(2) Delete the bold underlined explanatory headings in this amendment; and

(3) Exclude this paragraph from the engrossed bill.

/s/ Senator Jim Kyle

/s/ Representative Craig Fitzhugh

/s/ Representative Mike Turner

Rep. Fitzhugh moved that the Conference Committee Minority Report No. 4 on House Bill No. 3835 be adopted and made the action of the House.

Rep. McCormick moved that the Conference Committee Minority Report No. 4 be tabled, which motion prevailed by the following vote:

Ayes ..... 64

Noes ..... 32

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Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 64

Representatives voting no were: Armstrong, Bass, Brown, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Williams K, Windle -- 32

**CONFERENCE COMMITTEE MINORITY REPORT NO. 2  
ON HOUSE BILL NO. 3835**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3835 / Senate Bill No. 3768 has met and recommends that the following amendments be deleted:

House Amendment No. 2  
House Amendment No. 3  
Senate Amendment No. 18  
Senate Amendment No. 4  
Senate Amendment No. 5  
Senate Amendment No. 6  
Senate Amendment No. 7

The Committee further recommends that the following amendment be adopted:

By deleting each and every section of House Bill 3835 / Senate Bill 3768 and by substituting instead new Sections 1 through 69, namely:

Sections 1 through 69 of House Bill 3835 / Senate Bill 3768 as filed for introduction on February 6, 2012, and considered to be part of this amendment.

**ADMINISTRATION AMENDMENT**  
**2011-2012 SUPPLEMENTAL APPROPRIATIONS**

AND FURTHER AMEND by deleting the following language from Section 38 of the printed bill:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 3,382,500.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
TOTAL .....		\$ 147,909,500.00

5742

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and by substituting instead:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 1,280,200.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
2.	Sales Tax Disaster Relief .....	525,000.00
	Total Revenue .....	\$ 3,025,000.00
	TOTAL .....	\$ 146,332,200.00

Provided further that the line item appropriation in the amount of \$525,000.00 relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by Senate Bill 2701 / House Bill 2889, if it becomes a law.

From the appropriation to the Department of Economic and Community Development in the amount of \$34,000,000 for headquarters relocation assistance, it is the legislative intent to make the following allocations to the Volkswagen Project: (a) \$19,110,000 for site preparation and infrastructure; (b) \$684,000 to FastTrack Infrastructure and Job Training Assistance for training a third shift; and (c) \$371,000 to Business Development for recruitment purposes.

The appropriations to the Department of Mental Health and to the Department of Economic and Community Development, including allocations to the Volkswagen Project, shall not revert to the general fund at June 30, 2012, and are hereby reappropriated in the fiscal year beginning July 1, 2012.

AND FURTHER AMEND in Section 41 of the printed bill by inserting a new item as follows:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is appropriated the sum of \$1,400,000 (non-recurring) to Loan/Scholarships Programs for the graduate nursing loan forgiveness program. The appropriation is intended to reinstate a non-recurring appropriation that reverted to the general fund balance. Pursuant to Tennessee Code Annotated, Section 49-4-702(d), this appropriation shall not revert to the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following items:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is reappropriated from the TennCare reserve the sum of \$58,700,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item \_\_\_. In the fiscal year ending June 30, 2013, there hereby is reappropriated from the TennCare reserve the sum of \$65,000,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of



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Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by inserting a new section, to follow Section 70 of this amendment, to read as follows:

SECTION 71. Supplemental Appropriation for Land Acquisition. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In the fiscal year ending June 30, 2012, it is the legislative intent to recognize a contingency appropriation in the amount of \$8,800,000 for land acquisition made under the provisions of Section 75 in Chapter 473, Public Acts of 2011. Funding for the appropriation is identified in the 2012-2013 budget document on page A-10 (\$8,500,000) and in the administration budget amendment overview (\$300,000). Any unexpended balance of the appropriation at June 30, 2012, is hereby reappropriated to be expended in the 2012-2013 fiscal year for the purpose stated in Section 75 of Chapter 473, Public Acts of 2011.

**2012-2013 ITEMS AFFECTING REVENUE AVAILABILITY**

AND FURTHER AMEND by deleting in its entirety Item 9 in Section 43 of the printed bill and substituting instead the following:

Item 9. Pursuant to Tennessee Code Annotated, Section 67-6-103(k), there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$400,000 in the fiscal year ending June 30, 2012 and the sum of \$1,000,000 in the fiscal year ending June 30, 2013.

It is the legislative intent that \$600,000 of the \$1,000,000 apportionment is for the purpose of funding the state share of the mandated local cost of Senate Bill 2251 / House Bill 2389, relative to domestic violence, if that bill becomes a law. If that bill does not become a law, then the apportionment to the County Revenue Partnership Fund in the year ending June 30, 2013, shall be \$400,000.

AND FURTHER AMEND by deleting the following language from Title III-31 in Section 1 of the printed bill:

4. Amortization of Authorized and Unissued Construction Bonds ..	88,450,000.00
Total Title III-31 .....	\$ 436,460,000.00

and by substituting instead the following:

4. Amortization of Authorized and Unissued Construction Bonds ..	84,750,000.00
Total Title III-31 .....	\$ 432,760,000.00

**CERTAIN SECTION 1 AND 4 AMENDMENTS**

AND FURTHER AMEND by deleting the following language from Title III-22 in Section 1 of the printed bill:

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13.	State Employees 2.5% Salary Increase.....	36,000,000.00
27.	Severance Benefit Plan.....	2,900,000.00
33.	Temporary Office Space .....	6,000,000.00
	Total Title III-22 .....	\$ 139,085,300.00

and by substituting instead the following:

13.	State Employees 2.5% Salary Increase.....	35,500,000.00
27.	Severance Benefit Plan.....	2,100,000.00
33.	Temporary Office Space .....	11,400,000.00
34.	OIR – Mainframe Outsourcing .....	3,700,000.00
	Total Title III-22 .....	\$ 146,885,300.00

AND FURTHER AMEND in Section 1 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health	
1.	Administration	
1.1	Administrative Services Division .....	\$ 13,653,000.00
	Total Administration.....	\$ 13,653,000.00
2.	Mental Health Services	
2.1	Middle Tennessee Mental Health Institute .....	\$ 27,250,000.00
2.2	Western Mental Health Institute.....	19,656,700.00
2.3	Moccasin Bend Mental Health Institute.....	16,379,800.00
2.4	Memphis Mental Health Institute .....	17,110,000.00
2.5	Community Mental Health Services.....	72,854,100.00
2.6	Major Maintenance .....	450,000.00
	Total Mental Health Services.....	\$ 153,700,600.00
3.	Alcohol and Drug Abuse Services	
3.1	Community Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Title III-14 .....	\$ 184,544,200.00

AND FURTHER AMEND in Section 4 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health	
1.	Administration	
1.1	Administrative Services Division .....	\$ 4,731,400.00

	Total Administration.....	\$	4,731,400.00
2.	Mental Health Services		
2.1	Community Mental Health Services.....	\$	18,300,400.00
2.2	Middle Tennessee Mental Health Institute .....		14,890,200.00
2.3	Western Mental Health Institute.....		13,823,500.00
2.4	Moccasin Bend Mental Health Institute.....		11,467,600.00
2.5	Memphis Mental Health Institute .....		4,094,900.00
	Total Mental Health Services.....	\$	62,576,600.00
3.	Alcohol and Drug Abuse Services		
3.1	Community Alcohol and Drug Abuse Services .....	\$	35,255,800.00
	Total Alcohol and Drug Abuse Services .....	\$	35,255,800.00
	Total Title III-14 .....	\$	102,563,800.00

AND FURTHER AMEND the printed bill by inserting the following new paragraphs immediately after the introductory paragraph of Section 64 and by inserting the following additional sections immediately after Section 64 as amended and renumbering subsequent sections of the printed bill accordingly:

**LEGISLATION RECONCILIATION**

Provided that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Federal and other departmental revenue adjustments may be made as indicated in the text of the line items or in reconciliation to fiscal notes and to available federal aid. Adjustments to the number of authorized positions indicated in the line items as full-time (FT) and part-time (PT) shall be reconciled to the fiscal notes.

Provided further that the term fiscal note in this item refers to the final fiscal note on the bill as enacted.

Provided further that the line item appropriation in Item 1 for Senate Bill (SB) 2701 / House Bill (HB) 2889, relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by the bill, if it becomes a law, notwithstanding contrary provisions of this section regarding reconciliation to the fiscal note on the enacted bill.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

		Recurring	Non-Recurring
1.	Misc. Approp. - Administration Legislation - Delete	\$ (2,000,000)	\$ 0
2.	SB 884 / HB 984 - Labor & WFD - Unemployment Benefits for Military Spouses – Reduce	(1,200)	0
3.	SB 2199 / HB 2337 - Children's Services - Transitioning Youth Empowerment Act (\$4,800	1,900	0

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		<u>Recurring</u>	<u>Non- Recurring</u>
	Federal)		
4.	SB 2210 / HB 2348 - Education - BEP Class Size and Salary Component Change – Delete	(795,000)	0
5.	SB 2233 / HB 2371 - Dept. of Revenue - E-Filing	0	0
6.	SB 2246 / HB 2384 - Civil Service Reform	0	0
7.	SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(247,400)	0
8.	SB 2250 / HB 2388 - Correction - Felons with Firearms - Incarceration	4,900	0
9.	SB 2251 / HB 2389 - Correction - Domestic Violence – Delete – Replaced by \$600,000 State-Shared Revenue to Counties	(780,000)	0
10.	SB 2251 / HB 2389 - Correction - Domestic Violence – Incarceration - Delete	(868,200)	0
11.	SB 2252 / HB 2390 - Correction - Gang Related Crime - Incarceration - Reduce	(1,913,900)	0
12.	SB 2253 / HB 2391 - Health - Prescription Drug Bill - Controlled Substance Monitoring Database	230,300	0
13.	SB 2253 / HB 2391 - Mental Health - Prescription Drug Bill - Controlled Substance Monitoring Database (\$281,700 Federal)	0	0
14.	SB 2253 / HB 2391 - Correction - Prescription Drug Bill - Incarceration	29,100	0
15.	SB 2280 / HB 2286 - Correction - Imitation Controlled Substances - Incarceration	86,100	0
16.	SB 2701 / HB 2889 - Revenue Dept. - Sales Tax Disaster Relief	250,000	0
17.	SB 2809 / HB 2613 - Higher Education - TBR - Dual Credit Courses	150,000	300,000
18.	SB 3018 / HB 3175 - Correction - Controlled Substance Analogue - Incarceration	236,100	0
19.	SB 3070 / HB 3459 – Secretary of State - Model Business Corporation Act - Computer Programming (\$400 Departmental Revenue)	0	59,500
20.	SB 3620 / HB 3727 - Envir. & Cons. - Bicentennial Mall - Andrea Conte Walking Path - Signs	0	6,000
21.	SB 3658 / HB 3431 - Labor & WFD - Unemployment Insurance Benefits - Effort to Secure Work	0	122,000
22.	SB 3659 / HB 3429 - Labor & WFD - Unemployment	115,500	0

	<u>Recurring</u>	<u>Non- Recurring</u>
Insurance - Internet-Based Electronic Notices (1 FT, 5 PT)		
Total	<u>\$ (5,501,800)</u>	<u>\$ 487,500</u>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues. The appropriation line item below for Senate Joint Resolution (SJR) 353, relative to naming a building at McGhee Tyson Air Guard Base, is from federal sources, and the appropriation for that line item shall take effect upon becoming law, the public welfare requiring it.

	<u>Recurring</u>
1. SB 2247 / HB 2385 - Tennessee Regulatory Authority (5 Part-Time Directors, 1 FT Exec. Dir., -3 FT)	\$ (199,700)
2. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(1,200)
3. SB 3094 / HB 3373 - Transportation - S.R. 385 in Shelby & Fayette Counties - Gov. Dunn Parkway - Signs (Highway Fund Earmark)	300
4. SJR 353 - Military - McGhee Tyson Air Guard Base - Building Named for Maj. Gen. Frederick H. Forster (Federal Funds Earmark)	10,500
Total	<u>\$ (190,100)</u>

### **OTHER ADDITIONS TO BUDGET**

#### **SECTION 65. Mortgage Servicer Settlement Agreement.**

Item 1. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are contingent upon the state's receipt of funds from the national mortgage servicer settlement agreement(s) or consent judgments approved by the U.S. District Court in April 2012. There hereby is appropriated such sums as may be received from this source.

Item 2. The Commissioner of Finance and Administration is authorized to recognize the national mortgage servicer settlement revenue and allot the appropriations or allocate the funds in the manner required by generally accepted accounting principles; and such allotments and allocations shall be made for purposes and in such amounts available, as directed by the Attorney General and Reporter or the Commissioner of Financial Institutions for the funds each receives. If such funds are received or recognized in state revenue accounts as available in the year ending June 30, 2012, the Commissioner of Finance and Administration is authorized to allot a sum sufficient of such funds as may be expended in fiscal year 2011-2012 and to reserve at June 30, 2012 and 2013, the balance of such funds as may be available for expenditure in fiscal year 2012-2013 or thereafter; and such funds as are reserved at June 30, 2012, hereby

are appropriated for expenditure in the year beginning July 1, 2012. At the closing of any fiscal year, it is the legislative intent that revenue received through this settlement shall be reserved for the intended purposes until expended.

Item 3. The State of Tennessee estimates that the amount of \$42,432,810 will be received, including \$41,432,810 by the Attorney General and Reporter and \$1,000,000 by the Department of Financial Institutions, for the benefit of the citizens of the State of Tennessee, to be used for purposes consistent with the applicable provisions of the consent judgments, as directed by the Attorney General and Reporter, including foreclosure prevention counseling; other housing and legal assistance programs; related compliance, investigative, enforcement, and education purposes; or to fund other programs reasonably targeted to housing or tenant issues; and to be used, as directed by the Commissioner of Financial Institutions, for Department of Financial Institutions examiner training, information technology support, financial literacy, and consumer education. From the amount of revenue estimated above, the allocations to be made, subject to approval and adjustments by the Attorney General and Reporter for sub-items (a) through (e) of this item, are as follows, and such amounts in this item hereby are appropriated or allocated for these purposes:

(a) To the general fund, allocation of a civil penalty of \$4,120,781.

(b) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(c) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(d) To the Miscellaneous Appropriations, \$700,000 for grants to four legal aid entities (Memphis Area Legal Services, West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid Society of Middle Tennessee and the Cumberlands) for the purpose of training, education, and legal services relating to housing and foreclosure matters. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the Attorney General and Reporter or to make the grants as directed by the Attorney General and Reporter.

(e) To the Attorney General's litigation settlement reserve, \$1,862,029, including \$1,637,029 for investigative and enforcement purposes and \$225,000 for executive committee work.

(f) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (a) \$350,000 for examiner training; (b) \$350,000 for information technology support and equipment; (c) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (d) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to adjust these amounts to the amount of revenue available from the settlement(s) and to reallocate amounts among these purposes. The Commissioner of Finance and Administration is authorized to adjust the departmental revenue

estimate and allotment of the Treasury Department for the grant to the Financial Literacy Commission.

(g) The Commissioner of Finance and Administration is authorized to adjust the allocations and appropriations in this item as realized receipts require and as directed by the Attorney General and Reporter or, relative to paragraph (f), by the Commissioner of Financial Institutions.

SECTION 66. Budget Reductions Restored. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated from the general fund and education fund, as applicable, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	Non-Recurring
1. TennCare for Children's Services - Base Reduction Reconciliation (Federal \$425,200)	\$ 217,200	\$ 0
2. TennCare for Dept. of Finance and Administration, Inspector General - Vacancy Reduction Reconciliation (\$118,800 Federal)	118,800	0
3. Envir. & Cons. - Core Services FY 11 #8 - West TN River Basin Authority Maintenance	0	300,000
4. Education - Core Services FY 10 #20 - Family Resource Centers	0	3,050,000
5. Mental Health - Core Services FY 10 #7 - Peer Support Centers	0	1,377,300
6. Health - Core Services FY 10 #18 - Poison Control Center	375,000	0
7. Intellectual and Developmental Disabilities - Core Services FY 10 #7- Family Support @ \$5.5 M	0	1,000,000
8. TBI - Base Reduction FY 10 #3 - Drug Enforcement Funds	0	603,800
9. Safety - Base Reduction FY 13 #2 - Highway Patrol - Homeland Security & Wrecker Inspection (8 FT)	851,200	0
10. Children's Services - Base Reduction FY 13 #2 - Juvenile Court Supplement	855,000	0
11. Children's Services - Core Services FY 10 #3 - Juvenile Court Prevention Grants - Reduce	(855,000)	0
12. Health - Core Services FY 10 DCS #14 - Healthy Start	0	3,060,100

	<u>Recurring</u>	<u>Non-Recurring</u>
13. Health - Core Services FY 10 DCS #2 - Child Health & Development (CHAD)	0	838,100
14. Children's Services - Base Reduction FY 13 #9 - Child Advocacy Centers	0	250,000
Total	<u>\$ 1,562,200</u>	<u>\$ 10,479,300</u>

SECTION 67. Group Health Insurance Premium Adjustment. In addition to the amounts appropriated in Section 1 of this act, an amount of \$1,300,000 is appropriated for the purpose of adjusting the state share of group health insurance premium increases at January 1, 2013. The appropriations shall be adjusted as follows, and the Commissioner of Finance and Administration shall allocate the adjustments to the appropriate organizational units.

(a) From the Miscellaneous Appropriations, Group Health Insurance Premium – State Employees, in Section 1, Title III-22-15, reduced by \$2,600,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(b) From the Higher Education systems, in Section 1, Title III-10, reduced by \$2,100,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(c) To the Department of Education, Basic Education Program, in Section 1, Title III-9, Item 2.1(c), an additional \$6,000,000 for the state formula share of a 9.2 percent average increase, rather than the 5 percent included in the Budget Document.

SECTION 68. Other Additions to the Operational Budget. In addition to the amounts appropriated in Section 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. General Fund Appropriations. The following appropriations are from the general fund.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Correction Dept. - Dairy Farm Boiler Operators (3 FT)	\$ 129,100	\$ 0
2. Correction Dept. - Dairy Farm Operation - Utilities	300,000	0
3. Correction Dept. - Big Brothers Big Sisters - Amachi Mentoring for Children of Inmates - Grant	0	250,000
4. TennCare - Medicaid Systems Development Staffing (Federal \$1,252,500) (32 FT)	481,500	0
5. TennCare - Diabetic Test Strips - Rate Adjustment (Federal \$565,900)	289,100	0



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	<u>Recurring</u>	<u>Non-Recurring</u>
6. Finance and Administration - Business Solutions Delivery (8 FT)	1,400,000	0
7. Veterans Affairs - Communications and Public Affairs Position (1 FT)	68,000	0
8. Correction - Local Jails Reimbursement @ \$37 per Day	4,000,000	0
9. Labor & WFD - Career Centers - Federal Revenue Decrease (\$6.8 M)	0	5,000,000
10. Health – Comprehensive Sickle Cell Clinic of Memphis - Grant	0	50,000
11. Safety - Motor Vehicle Operations	1,600,000	900,000
Total	<u>\$ 8,267,700</u>	<u>\$ 6,200,000</u>

Item 2. State Treasurer. From the general fund, the sum of \$200,000 (non-recurring) hereby is appropriated to the State Treasurer for expenditures relative to veterans organizations.

Item 3. Dedicated Source Appropriations. The following appropriations are from dedicated state revenue sources.

	<u>Recurring</u>
1. Agriculture - Beef Promotion Fund - Sum Sufficient from 50¢ per Head Assessment	\$ 235,000
2. Health - Health-Related Boards - Complaint Resolution - Mediator and Investigation Positions (7 FT)	760,400
Total	<u>\$ 995,400</u>

Item 4. State Treasurer. In addition to the appropriation of departmental revenue to the Treasury Department in Section 4, Title III-1, Item 6.1, there hereby is appropriated from the state pooled investment fund revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g):

(a) An amount not to exceed \$250,000 for costs associated with employee relocation and office consolidation of the Department of Revenue and for costs of providing shared facilities services supporting the Treasury Department and the Department of Revenue.

(b) An amount not to exceed \$200,000 for implementation of image cash letter deposit initiatives within state agencies.

SECTION 69. Reorganization of Appropriations. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the

negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	
	Appropriation	Departmental Revenue
1. Correction – Field Services (-44 FT) - Reduce	\$ (4,019,500)	\$ 0
2. Parole Board - Staffing (44 FT)	4,019,500	0
3. Correction - Sentencing Act of 1985 - Reduce	(1,411,900)	0
4. Correction – Southeastern TN Regional Prison Expansion – Accelerated Staffing	1,411,900	0
5. General Services - Real Estate Asset Management – Staffing (-2 FT) – Reduce	(127,500)	0
6. Finance and Administration - State Architect - Staffing (2 FT)	127,500	0
7. Intellectual and Developmental Disabilities – Home- and Community-Based Services - Interdepartmental	0	(6,748,000)
Total	\$ 0	\$ (6,748,000)

### **BUDGET REDUCTIONS AND RECONCILIATION**

#### **SECTION 70. Budget Reductions and Reconciliation.**

Item 1. Court System - Core Services Program Reduction. The appropriation in Section 4, Title II, Item 7, to the Court System, Administrative Office of the Courts, from its reserves is reduced by \$456,300, and the authorized positions are reduced by five (5) for the purpose of deleting the item recommended in the 2012-2013 Budget Document, Volume 2, Base Budget Reductions, on pages 99 and 138, and identified as Core Services 2010-2011 Reductions, number 1, Staffing and Operational.

Item 2. Commerce and Insurance Department - Indirect Cost Reconciliation. The appropriation in Section 1, Title III-11, Item 1, Commerce and Insurance, Administration, is reduced by \$2,102,300 and the interdepartmental revenue estimate increased by the same amount to correct the estimated indirect costs of Regulatory Boards to an amount of \$1,280,200, rather than the amount of \$3,382,500 stated on page A-47 of the 2012-2013 Budget Document.

AND FURTHER AMEND in Section 2, Item 12(a), of the printed bill by deleting the figure “\$24,492,500” and substituting in lieu thereof the figure “\$25,904,400”.

AND FURTHER AMEND in Section 11, Item 1 of the printed bill by deleting sub-item (b) in its entirety and substituting instead:

(b) The dollar value of the BEP instructional positions component shall be thirty-nine thousand eight hundred forty-nine dollars (\$39,849);

**SECTION 39 – FEDERAL AND OTHER DEPARTMENTAL REVENUE**

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2012, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2012.

(a) There hereby is appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<b><u>2011- 2012</u></b>	<b><u>2012- 2013</u></b>
District Attorneys General Conference		
1. District Attorneys General	\$ 143,400	\$ 0
Higher Education - State Administered Programs		
1. Tennessee Higher Education Commission	150,000	0
Labor and Workforce Development		
1. Employment Security	1,362,100	0
Mental Health		
1. Community Alcohol and Drug Abuse Services	\$ 2,090,700	\$ 4,354,600
2. Community Mental Health Services	0	2,200,000
Sub-Total Mental Health	\$ 2,090,700	\$ 6,554,600
Health		
1. Maternal and Child Health	\$ 500,000	\$ 7,852,200
2. Communicable and Environmental Disease Services	26,900	90,400
3. Community and Medical Services	129,600	0
4. Local Health Services	509,800	0
Sub-Total Health	\$ 1,166,300	\$ 7,942,600
Children's Services		
1. Custody Services	0	30,000
Sub-Total Section 39(a)	\$ 4,912,500	\$14,527,200

The Commissioner of Finance and Administration is authorized to establish eighteen (18) full-time positions and to allocate them to the appropriate organizational units, including three (3) positions in the District Attorneys General Conference; one (1) in the Department of Commerce and Insurance, Tennessee Law Enforcement Training Academy; five (5) positions in the Department of Labor and Workforce Development; and nine (9) positions in the Department of Health, including eight (8) for continuation of federally funded positions in the Division of Communicable and Environmental Disease Services.

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(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
Executive Department		
1. Governor's Office	\$    15,000	\$    45,000
Health		
1. Maternal and Child Health	69,800	209,500
Human Services		
1. Community Services	<u>127,900</u>	<u>554,100</u>
Sub-Total Section 39(b)	<u>\$    212,700</u>	<u>\$    808,600</u>

The Commissioner of Finance and Administration is authorized to establish three (3) full-time positions and to allocate them to the appropriate organizational units, including one (1) position in the Executive Department, one (1) position in the Department of Health, and one (1) position in the Department of Human Services.

Total Section 39	<u>\$  5,125,200</u>	<u>\$15,335,800</u>
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**CAPITAL OUTLAY**

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1 of the printed bill:

5.	Department of Environment and Conservation .....	12,940,000.00
7.	Department of General Services.....	12,930,000.00
13.	Tennessee Board of Regents .....	48,930,000.00
14.	University of Tennessee .....	34,345,000.00
Total Title III-32 .....		\$    138,600,000.00

and by substituting instead the following:

5.	Department of Environment and Conservation .....	13,940,000.00
7.	Department of General Services.....	15,660,000.00
13.	Tennessee Rehabilitative Initiative in Correction .....	2,600,000.00
14.	Tennessee Board of Regents .....	48,930,000.00
15.	University of Tennessee .....	34,345,000.00
Total Title III-32 .....		\$    144,930,000.00

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

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Item \_\_\_\_\_. The capital maintenance project, ETSU CoM Family Practice Replace Roof, to be funded in the amount of \$500,000 from the Tennessee Board of Regents appropriation in Section 1, Title III-32, Item 14 of this act and listed on page A-147 of the 2012-2013 budget document, is deleted and there is hereby reappropriated the sum of \$500,000 for the ETSU CoM Education Building Electrical Updates.

Item \_\_\_\_\_. In addition to the capital budget projects listed on pages A-144 through A-146 of the 2012-2013 budget document, two capital improvement projects and one capital maintenance project are funded in the appropriations in Section 1, Title III-32, Items 5, 7 and 13 of this act:

- |  |                |
|--|----------------|
| (a) Department of Environment and Conservation -<br>Radnor Lake State Natural Area – Land Acquisition  | \$1,000,000.00 |
| (b) Department of General Services – Capital Maintenance -<br>Management Support Services              | \$2,730,000.00 |
| (c) Tennessee Rehabilitative Initiative in Correction -<br>Cook-Chill Equipment Replacement and Repair | \$2,600,000.00 |

**SECTION 1 AND 4 AMENDMENTS - FACILITIES REVOLVING FUND (FRF)**

AND FURTHER AMEND by deleting the following language from Title III-29 in Section 1 of the printed bill:

- |  |                   |
|--|-------------------|
| 2. General Services Project Maintenance..... | 5,547,600.00      |
| 3. Capital Projects .....                    | 125,100,000.00    |
| Total Title III-29 .....                     | \$ 138,164,800.00 |

and by substituting instead the following:

- |  |                   |
|--|-------------------|
| 2. General Services Project Maintenance..... | 1,100,000.00      |
| 3. Facilities Management.....                | 5,547,600.00      |
| 4. Capital Projects .....                    | 115,870,000.00    |
| Total Title III-29 .....                     | \$ 130,034,800.00 |

AND FURTHER AMEND by deleting the following language from Title III-26 in Section 4 of the printed bill:

- |                           |                   |
|---------------------------|-------------------|
| 4. Capital Projects ..... | 6,680,000.00      |
| Total Title III-26 .....  | \$ 138,902,200.00 |

and by substituting instead:

- |                           |                   |
|---------------------------|-------------------|
| 4. Capital Projects ..... | 13,667,300.00     |
| Total Title III-26 .....  | \$ 145,889,500.00 |

**HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY**  
**FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES**

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new item to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-150 through A-151 in the 2012-2013 Budget Document:

**State University and Community College System**  
**(Tennessee Board of Regents)**

**Austin Peay State University**

Dunn Center Scoreboard Replacement	\$ 1,870,000
<b>Total APSU</b>	<b>\$ 1,870,000</b>

**East Tennessee State University**

Baseball Stadium Upgrades	\$ 4,500,000
Gray Fossil Site Improvements	180,000
Pedestrian Safety Improvements	1,000,000
<b>Total ETSU</b>	<b>\$ 5,680,000</b>

**Middle Tennessee State University**

Athletic Track Refurbishment	\$ 400,000
Data Center Consolidation	5,250,000
Keathley University Center Renovation	3,000,000
McFarland Building Renovations	2,000,000
<b>Total MTSU</b>	<b>\$ 10,650,000</b>

**Tennessee State University**

Campus-wide Relocations and Renovations	\$ 250,000
Charter School Facilities Development	1,700,000
Hankal Hall Relocations and Renovations	1,000,000
<b>Total TSU</b>	<b>\$ 2,950,000</b>

**Tennessee Technological University**

Foundation Hall Parking	\$ 630,000
Intramural Sports and Activities Building	7,210,000
Parking and Transportation Improvements	750,000
Warf/Ellington Residence Hall Upgrade	2,250,000

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Science & Engineering Complex Parking Garage	18,000,000
Tech Village Apartments Renovations Phase 3	9,680,000
<b>Total TTU</b>	<b>\$ 38,520,000</b>

**University of Memphis**

Annex Facility Improvements	\$ 400,000
Dining Pavilion Construction	150,000
Emergency Operations Generator	150,000
Intramural Field Development	1,300,000
Park Avenue Campus Entry	500,000
Traffic and Circulation Improvements	3,000,000
Zach Curlin Parking Extension	1,100,000
Carney-Johnston Dormitory Renovation	3,000,000
Dormitory Reroofing	920,000
<b>Total UoM</b>	<b>\$ 10,520,000</b>

**Cleveland State Community College**

Fire Alarm System Upgrade	\$ 1,000,000
<b>Total CLSCC</b>	<b>\$ 1,000,000</b>

**Jackson State Community College**

Student Center Repairs and Updates	\$ 500,000
<b>Total JSCC</b>	<b>\$ 500,000</b>

**Nashville State Community College**

Antioch Teaching Site Renovations	\$ 3,680,000
<b>Total NASCC</b>	<b>\$ 3,680,000</b>

**Pellissippi State Community College**

Campus Window Replacement	\$ 300,000
Career Center Renovation	700,000
Division Street Parking	820,000
Magnolia Campus Student Parking	600,000
Modular Classroom Building	370,000
<b>Total PSCC</b>	<b>\$ 2,790,000</b>

**Southwest Tennessee Community College**

F Building Renovations	\$ 190,000
Whitehaven Renovations	5,600,000

<b>Total STCC</b>	<b>\$</b>	<b>5,790,000</b>
<b>Volunteer State Community College</b>		
Campus Loop Road Extension	\$	3,000,000
Wood Campus Center Upgrades		3,000,000
<b>Total VSCC</b>	<b>\$</b>	<b>6,000,000</b>
<b>TTC Nashville</b>		
Aviation Hanger Construction	\$	100,000
<b>Total TTC Nashville</b>	<b>\$</b>	<b>100,000</b>
<b>Total Tennessee Board of Regents</b>	<b>\$</b>	<b>90,050,000</b>
<b>University of Tennessee System</b>		
<b>University of Tennessee Chattanooga</b>		
West Campus Parking & Housing Complex Planning	\$	2,500,000
Arena Renovations Planning		100,000
Dining Services Improvements		1,000,000
Life Sciences Laboratory Facility Planning		3,000,000
<b>Total UTC</b>	<b>\$</b>	<b>6,600,000</b>
<b>UT Institute of Agriculture</b>		
Energy & Enviro. Sciences Education Ctr. Planning	\$	2,000,000
<b>Total UTIA</b>	<b>\$</b>	<b>2,000,000</b>
<b>University of Tennessee Knoxville</b>		
Phillip Fulmer Way Expansion	\$	15,000,000
Greve Hall Improvements Phase 2		4,000,000
Panhellenic Building Renovation Phase 2		4,000,000
Lab Renovations		11,000,000
Deferred Maintenance		12,500,000
New Student Housing Planning		3,000,000
<b>Total UTK</b>	<b>\$</b>	<b>49,500,000</b>
<b>UT Martin</b>		
Fine Arts Renovation and Addition Planning	\$	500,000
Football Pressbox Improvements Planning		100,000
<b>Total UTM</b>	<b>\$</b>	<b>600,000</b>
<b>Total University of Tennessee</b>	<b>\$</b>	<b>58,700,000</b>



**Grand Total**

**\$ 148,750,000**

The UT Chattanooga request for Mackenzie Arena Seating & Curtain System Improvements in the amount of \$1,200,000 and the UT Knoxville request for Shelbourne Tower Renovation in the amount of \$18,000,000 as identified on page A-151 of the 2012-2013 Budget Document are to be canceled.

**OTHER PROVISIONS**

AND FURTHER AMEND in Section 29 by inserting the following new item at the end of the section:

Item \_\_\_\_\_. From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

AND FURTHER AMEND in Section 9, Item 4, by deleting the words “investment performance” and substituting in lieu thereof the words “investment and pensions administration performance” and by deleting the words “investment staff” and inserting in lieu thereof the words “investment and administrative staff”.

AND FURTHER AMEND in Section 9, Item 5, by deleting the words and punctuation “for payment of Unclaimed Property – Claims” and inserting in lieu thereof the words and punctuation “, Unclaimed Property, for payment of claims and claims administrative expense”.

AND FURTHER AMEND in Section 34 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the administration and support services programs in Section 1, Title III-10, Items 1.1 through 1.7, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation.

AND FURTHER AMEND in Section 35 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the University of Tennessee System in Section 1, Title III-10, Item 3 to provide for technical corrections to the allocation of funding for 401K benefits.

AND FURTHER AMEND in Section 36, by deleting Item 56 in its entirety and inserting in lieu thereof the following:

Item 56. To the Treasury Department for college savings incentive initiatives and a college savings plan in Public Acts of 2010, Chapter 1108, Section 1, Title III-1, Item 7.3, and Section 35, Item 3; and Public Acts of 2011, Chapter 473, Section 1, Title III-1, Item 7.3, and Section 72, Item 3, and Section 36, Item 60.

AND FURTHER AMEND in Section 36 of the printed bill by inserting new items at the end of the section to read:

Item \_\_\_. To the Department of Children's Services in Section 1, Title III-23 to fund operational expenses during the closure process of the Taft Youth Developmental Center. The carry-forward amount is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. To the Department of Environment and Conservation in Section 1, Title III-5, the unexpended balance of the \$750,000 non-recurring appropriation for May 2010 flood, stream debris removal and repair.

AND FURTHER AMEND in Section 41 by inserting the following new items at the end of the section:

Item \_\_\_. For the purpose of defraying administrative costs of authorized programs of the Tennessee Local Development Authority, there is hereby appropriated to the Tennessee Local Development Authority an amount not to exceed \$700,000 from loan repayment amounts attributable to community provider loans. Such amounts shall be determined as necessary by the State Funding Board and the Tennessee Local Development Authority.

Item \_\_\_. Court Interpreter Services. The cost increase described in the Budget Document on page B-212 as "General Sessions Courts – Interpreter Services" is incorrectly described in the Budget Document. From the appropriation to the Court System, Administrative Office of the Courts, in Section 1, Title II, Item 13, the sum of \$2,000,000 hereby is appropriated for the purpose of providing interpreter services, in accordance with the rules prescribed by the Supreme Court, to persons with limited English language proficiency who have a matter before courts established by or pursuant to Tennessee law. Provided further that the appropriation is authorized to be transferred by the Commissioner of Finance and Administration to a new line item to be called Court Interpreter Services; and provided further that the commissioner, subject to approval of the Administrative Director of the Courts, is authorized to transfer the sum of \$1,000,000 from Indigent Defendants Counsel to Court Interpreter Services, such sum being the estimated amount that otherwise would be expended for interpreter services to indigent defendants in criminal cases in the state courts.

Item \_\_\_. Settlement and Judgment Awards and Similar Awards. In addition to the appropriations in Public Acts of 2011, Chapter 473, and in this act, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards hereby are appropriated for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. At June 30, 2012, and any subsequent fiscal year end, the unexpended balance of such funds shall be reserved and carried forward for expenditure in the subsequent fiscal year; and such funds as are carried forward hereby are appropriated for the intended purposes. The provisions of this item shall not require the

reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item \_\_. Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

#### **OVER-APPROPRIATION AND REVERSION ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language and punctuation from Item 1(a) in Section 43 of the printed bill:

“and a non-recurring reversion of \$94,500,000.”

and by substituting instead the following:

“and a non-recurring reversion of \$107,100,000.”

AND FURTHER AMEND by inserting a new sub-item in Item 1 in Section 43 of the printed bill to read:

(c) In fiscal year 2012-2013 to recognize an Office for Information Resources (OIR) rate decrease in the estimated recurring amount of \$2,600,000 by reducing appropriations made in Section 1 of this act.

#### **TENN-CARE FEDERAL PROGRAM EXPANSION**

AND FURTHER AMEND by inserting a new item in Section 48 of the printed bill to read:

Item \_\_. There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and

Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

**2012-2013 SALARY POLICY**

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 49 of the printed bill and by renumbering the subsequent items in Section 49.

AND FURTHER AMEND by inserting a new paragraph at the end of the newly designated Item 4 in Section 49 (Item 5 of the printed bill) to read:

From the \$15,000,000 appropriation it is the legislative intent to earmark for non-executive agencies the following amounts in fiscal year 2012-2013:

Legislature .....	\$ 253,500.00
Fiscal Review Committee.....	12,000.00
Court System .....	244,500.00
Attorney General and Reporter .....	550,000.00
Secretary of State .....	225,000.00
Comptroller of the Treasury .....	379,500.00
Treasury Department .....	1,500.00
Total Non-Executive Agencies .....	\$1,666,000.00

AND FURTHER AMEND in Section 60 of the printed bill by adding the following at the end of the first paragraph:

Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

**HOUSEKEEPING PROVISIONS**

AND FURTHER AMEND in Section 1, Title III-30, in the fourth paragraph thereof, by deleting the word "Chairmen" in both instances and substituting in both places the word "Chairs".

AND FURTHER AMEND in Section 3, Item 1, in the third paragraph, by deleting the word "chairman" and substituting in lieu thereof the word "chair".

AND FURTHER AMEND and in Section 6, Item 12, by deleting the citation "Senate Bill \_\_\_\_ / House Bill \_\_\_\_" in both instances and substituting in lieu thereof in both places the citation "Senate Bill 3769 / House Bill 3836".

AND FURTHER AMEND in Section 7, Item 1, by deleting the date "2011-2012" and substituting in lieu thereof the date "2012-2013".

AND FURTHER AMEND in Section 7, Item 2, by deleting the word "Chairman" and substituting in lieu thereof the word "Chair" and by deleting the word "him" in both instances and in the first instance substituting the words "the Chair" and in the second instance substituting the words "the Secretary".

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AND FURTHER AMEND in Section 7, Item 12, by deleting the word “firemen” and substituting in lieu thereof the word “firefighters”, by deleting the word “fireman’s” and substituting the word “firefighter’s”, and by deleting the word “his” and substituting the word “the”.

AND FURTHER AMEND in Section 7, Item 13, by deleting the word “his” and substituting in lieu thereof the word “the”.

AND FURTHER AMEND in Section 8, Item 5, by deleting the first comma and by inserting after the word and punctuation “General,” the words and punctuation “in accordance with Tennessee Code Annotated, Section 8-6-106,”.

AND FURTHER AMEND in Section 8, Item 11, by deleting the word “Agency” and inserting in lieu thereof the word “Authority”.

AND FURTHER AMEND in Section 8, Item 16(e) by deleting the words and citation “and Section 67-4-606”.

AND FURTHER AMEND in Section 8, Item 19(e) by deleting the word “Authority” and substituting in lieu thereof the word “Agency”.

AND FURTHER AMEND in Section 8, Item 30(b) by deleting the words and date “Act of 1989” and substituting in lieu thereof the words “Incentive Account”.

AND FURTHER AMEND in Section 8, Item 37, by deleting the word “unit” and substituting in lieu thereof the word “Division”.

AND FURTHER AMEND in Section 10, Item 16, of the printed bill by inserting after the citation “Item 2,” the words “and in Section 68, Item 1 (8),” and by deleting the amount “\$35.00” in all three places and inserting in lieu thereof the amount “\$37.00”.

AND FURTHER AMEND in Section 10, Item 17, by deleting the amount “five hundred dollars (\$500.00)” and substituting in lieu thereof the amount “one thousand dollars (\$1,000.00)”.

AND FURTHER AMEND in Section 10, Item 25, by deleting the word “specialty” and inserting in lieu thereof the words and punctuation “cultural, specialty earmarked, new specialty earmarked, and collegiate”; and by inserting the following before the period at the end of the sentence: “, as provided in Tennessee Code Annotated, Title 55, Chapter 4”.

AND FURTHER AMEND in Section 10, by renumbering items 30, 31, 32, and 33, as items 28, 29, 30, and 31, respectively.

AND FURTHER AMEND in Section 12, Item 2, by deleting the TCA citation “4-5-209” and substituting in lieu thereof the citation “4-5-208”.

AND FURTHER AMEND in Section 12, Item 3, by deleting the words “bill is minimal” and inserting in lieu thereof the words “bill as enacted is minimal”.

AND FURTHER AMEND in Section 15, Item 7 of the printed bill by deleting the words “Finance and Administration” in two places in the item and substituting instead the words “General Services” in both places.

AND FURTHER AMEND in Section 20 by deleting the year “2012” and substituting in lieu thereof the year “2013”.

AND FURTHER AMEND in Section 23, Item 1, in the second paragraph, in its first sentence, by deleting the words “estimated federal” and inserting in lieu thereof the word “federal”.

AND FURTHER AMEND the printed bill in Section 23, Item 3, by deleting the item in its entirety and by substituting instead the following:

Item 3. The capital budget and appropriations for capital outlay shall be presented as provided in Senate Bill 2418 / House Bill 2552 or Senate Bill 3771 / House Bill 3839, if such provisions in either bill become law. If such provisions in either cited bill do not become law, the following provisions of this item shall not apply and Tennessee Code Annotated, Section 9-4-5108(b) shall apply; if such provisions in either cited bill become law, then the provisions of such bill and the following provisions of this item shall apply:

The capital budget, to be included in part 3 of the budget document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars (\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be specified in such detail in the budget document as the Governor shall determine. Appropriations for capital improvement and capital maintenance projects shall be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the budget document.

AND FURTHER AMEND in Section 23, Item 4, of the printed bill by deleting the word “Chairmen” and inserting in lieu thereof the word “Chairs”.

AND FURTHER AMEND in Section 26, Item 6, by deleting, in the first instance in which they appear, the words “as authorized under” and substituting in lieu thereof the words “at the same rates and in the same manner provided by”.

AND FURTHER AMEND in Section 28 by inserting after the word “Administration” at the end of the second sentence the words “and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304”.

AND FURTHER AMEND in Section 31 of the printed bill by:

(a) deleting the following language:

2. Mental Health Services block grant in the amount of \$8,174,600

and inserting in lieu thereof the following:

2. Mental Health Services block grant in the amount of \$10,374,600

; and,

(b) deleting the following language:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$30,275,500

and inserting in lieu thereof the following:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,275,500

AND FURTHER AMEND in Section 35, Item 1, by inserting after the word and punctuation "Counsel," the words and punctuation, "Court Interpreter Services,".

AND FURTHER AMEND in Section 36, Item 57, by deleting the citation "Section 77, Item 19" and inserting in lieu thereof the citation "Section 41, Item 35, of this act".

AND FURTHER AMEND in Section 36, Item 4, by deleting the TCA citation "67-4-606(a)(B)(9)" and substituting in lieu thereof the citation "67-4-606(a)(9)".

AND FURTHER AMEND in Section 41, Item 19, by deleting the words and punctuation "(d) Governor's Schools; and (e) Governor's Institute for Science and Math" and inserting in lieu thereof the words and punctuation "and (d) Governor's Schools".

AND FURTHER AMEND in Section 41, Item 20, by deleting the words "the Tennessee Infant Parent Services School" and inserting in lieu thereof the words "Tennessee Early Intervention Services".

AND FURTHER AMEND in Section 41, Item 24, by deleting the word "rent" and inserting in lieu thereof the word "rental".

AND FURTHER AMEND in Section 41, Item 33, by deleting the TCA citation "67-801(b)(1)" and substituting in lieu thereof the citation "67-1-801(b)(1)".

AND FURTHER AMEND by inserting new items at the end of Section 41 of the printed bill to read:

Item \_\_. The Commissioner of Finance and Administration is authorized to establish three (3) additional full-time positions in the Department of Environment and Conservation, State Parks, to correct a position count error.

Item \_\_. The Commissioner of Finance and Administration is authorized to establish one (1) additional full-time position in the Comptroller of the Treasury, Division of County Audit, to correct a position count error.

AND FURTHER AMEND in Section 48 of the printed bill by deleting in Item 7 the date "June 30, 2012" and the figure "\$10,100,000" and by substituting instead the date "June 30, 2013" and the figure "\$8,969,100".

AND FURTHER AMEND by adding the following new sections:

**LEGISLATIVE SOURCE ADJUSTMENTS**

SECTION 72.

Item 1. The appropriation in Section 1, Title III-9, Item 2.1(b) to the Department of Education, Career Ladder, is reduced by the sum of \$1,500,000 (recurring) for the purpose of recognizing program savings because of attrition.

Item 2. At June 30, 2012, the sum of \$15,000,000 shall be transferred to the General Fund from Tennessee Emergency Management Agency (TEMA), Reserve for Disaster Relief, and the remaining unexpended balance of TEMA disaster relief appropriations and reserves shall be carried forward at June 30, 2012, and hereby is appropriated for expenditure in the year beginning July 1, 2012. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

Item 3. The appropriation in Section 1, Title III-29, to the Facilities Revolving Fund, Capital Projects, is reduced by \$5,500,000 for the purpose of reducing to \$69,500,000 the Office Consolidation Project identified on page A-170 of the 2012-2013 Budget Document.

Item 4. Of the appropriation in Section 1, Title III-8, Item 3, to the Department of Economic and Community Development, FastTrack Infrastructure and Job Training Assistance Program, and identified on page B-330 of the 2012-2013 Budget Document as a cost increase of \$10,000,000 recurring and \$10,000,000 non-recurring, the recurring sum of \$10,000,000 hereby is designated as a non-recurring appropriation, such that the entire \$20,000,000 FastTrack program cost-increase described on page B-330 shall be non-recurring.

Item 5. Of the appropriation in Section 1, Title III-9, Item 2.1(c), to the Department of Education, Basic Education Program (BEP), and identified as core-services continuation of BEP ADM Growth Funding on page 118 of the 2012-2013 Budget Document, Volume 2, a sum of \$3,500,000 hereby is designated as a non-recurring appropriation.

**DEDICATED SOURCE & EARMARKS**

SECTION 73.

Item 1.

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Chapter 734 of the Public Acts of 2012, Chapter 739 of the Public Acts of 2012, Chapter 740 of the Public Acts of 2012, Senate Bill 2278 / House Bill 2682, Senate Bill 2401 / House Bill 2329, Senate Bill 2678 / House Bill 2803, Senate Bill 2684 / House Bill 2794, Senate Bill 2732 / House Bill 2793, Senate Bill 2733 / House Bill 2878, Senate Bill 2778 / House Bill 3570, House Joint Resolution 872, and Senate Joint Resolution 629, if such bills and resolutions become law.



(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act. It is the legislative intent that such funding be earmarked for implementation of such bills and resolutions in the fiscal year ending June 30, 2013, and in subsequent fiscal years.

(c) This item shall take effect upon becoming a law, the public welfare requiring it.

Item 2. From funds available and appropriated to the Department of Commerce and Insurance (Scrap Metal Registration Program), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 2895 / House Bill 3246, relative to scrap metal dealers, if such bill becomes law.

Item 3. From funds available and appropriated to the Department of Health (Division of Health Related Boards), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3644 / House Bill 3688, relative to electronic notifications, if such bill becomes law.

Item 4. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 3655 / House Bill 3690, relative to licenses for disabled minors, if such bill becomes law.

Item 5. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$400 for the sole purpose of implementing Senate Bill 3590 / House Bill 2776, relative to reorganization of the agency, if such bill becomes law.

Item 6. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 2403 / House Bill 2294, relative to licenses for persons with intellectual disabilities, if such bill becomes law.

Item 7. From funds appropriated the University of Tennessee System and the Tennessee Board of Regents System, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3022 / House Bill 3665, relative to higher education, if such bill becomes law.

Item 8. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 221, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 9. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution 183 and/or Senate Joint Resolution 710, in accordance with Section 3 of Article XI of the Tennessee Constitution, if either, or both, such resolutions are adopted.

Item 10. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 222, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 11. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771 / House Bill 3839, if such bill becomes law.

### **LEGISLATIVE INITIATIVES**

SECTION 74. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill 2863 / House Bill 3213, Senate Bill 3155 / House Bill 3272, Senate Bill 2368 / House Bill 2488, Senate Bill 2371 / House Bill 2493, Senate Bill 1325 / House Bill 1379, Senate Bill 3005 / House Bill 2868, Senate Bill 2349 / House Bill 2311, Senate Bill 2606 / House Bill 2655, Senate Bill 2759 / House Bill 3082, Senate Bill 2129 / House Bill 2309, Senate Bill 2886 / House Bill 3225, Senate Bill 2438 / House Bill 2733, Senate Bill 3176 / House Bill 2334, Senate Bill 2066 / House Bill 2114, Senate Bill 2819 / House Bill 2663, and Senate Joint Resolution No. 701, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the department of finance and administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (recurring) to the department of finance and administration for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the Tennessee department of health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Crumley House located in Washington County, to be used for the provision of programs and services on behalf of persons suffering from traumatic brain injuries.

Item 6. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Health for the sole purpose of the vaccine billables project.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Administrative Office of the Courts for the sole purpose of making grants to legal aid programs in each grand division to be used for domestic violence prevention and services.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Department of Tourist Development for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$316,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

- 35% to Second Harvest Food Bank of Middle Tennessee;
- 25% to Memphis Food Bank;
- 20% to Second Harvest Food Bank of East Tennessee;
- 10% to Chattanooga Area Food Bank;
- 10% to Second Harvest Food Bank of Northeast Tennessee.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Economic and Community Development for the sole purpose of local planning transition grants. It is the intent of the General Assembly that each of the nine (9) development districts receive \$50,000.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$120,000 (recurring) to the Commission on Children and Youth for the sole purpose of making grants of \$15,000 each to seven (7) counties participating in the Court Appointed Special Advocates (CASA) program and to one (1) additional county seeking to participate in the program, bringing the total counties receiving state funds to forty-five (45).

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,681,500 (non-recurring) to the Department of Intellectual and Developmental Disabilities for the sole purpose of restoring funding for the Family Support Program that provides assistance to developmentally disabled individuals who do not qualify for intellectual disabilities services.

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee Bureau of Investigation (TBI) for the sole purpose of making grants to local governments in which Crime Stoppers operates. The TBI is authorized to award such grants upon application submitted by a local government as required by the TBI.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$180,000 (non-recurring) to the Department of Education for the sole purpose of grants-in-aid to science alliance museums.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Department of Education for the sole purpose of restoring funds for school internet connectivity.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of training and improving administrative practices for drug task forces.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$105,000 (non-recurring) to the Department of Education for the sole purpose of career and technical education programming implemented through the Tennessee Alliance of Boys & Girls Clubs.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the District Attorneys

General Conference for the sole purpose of hosting the National Association of Prosecutor Coordinators (NAPC) conference in Nashville during December 2012.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$49,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the Secret Safe Place for Newborns, to be used for the purpose of informing the community of safe, secret options under the Safe Haven Law.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated an amount up to \$100,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of research and publication of up to one thousand two hundred (1,200) hardbound copies of the next volume of the Biographical Directory of the Tennessee General Assembly.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$206,300 (non-recurring) to the Department of Health, Bureau of Health Services, Community and Medical Services, for the sole purpose of restoring funding for the epilepsy program.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation, to be used for general operating costs to help prevent and resolve issues related to substance abuse.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to a Tennessee nonprofit fund supporting services to communities of greatest need to be used for enterprise development week youth economic summits in Nashville, Chattanooga and Memphis.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Bridge of

Hope, to be used to provide human trafficking training programs to law enforcement officers.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the University of Tennessee System for the sole purpose of programs and services provided through the UT Law Enforcement Innovation Center.

Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee CASA, to be used for programs and services.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of making a grant in such amount to the Chickasaw Basin Authority.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$35,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of conducting an audit of war memorials to ensure that all appropriate individuals have been listed on such memorials. No later than December 1, 2012, the commission shall report to the members of the finance, ways and means committees of the senate and the house of representatives on the physical condition of the various memorials to identify substandard memorials. The commission shall develop a plan to remedy any problems discovered with such memorials.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee Arts Commission for the sole purpose of making grants for musical heritage.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in non-urban counties, to be used for programs, services and operational expenses.

Item 39. To the University of Tennessee, \$5,000,000 is made available from National Academy-Level Faculty unobligated reserves for use toward the completion of the Joint Institute for Advanced Materials Science (JIAMS) research laboratory facility at

Cherokee Farm. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it.

**LANGUAGE AMENDMENTS**

**SECTION 75.**

Item 1. From the funds appropriated by this act, the department of finance and administration is directed to study the increasing prices of gasoline compared to the applicable rate of mileage reimbursement paid to state employees, excluding members of the general assembly, for using personally owned or leased vehicles in the course of official state business. The department shall propose recommendations arising from the study, including recommendations for increasing the rate of reimbursement when the average price of regular gas in this state exceeds four dollars (\$4.00) per gallon or a higher amount, as certified by the American Automobile Association's ("AAA") Daily Fuel Gauge Report. Such recommendations shall be reported to the chairs of the finance, ways and means committees of the senate and the house of representatives no later than December 1, 2012.

Item 2. Each state agency shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis when the agency applies for a federal grant of more than \$100,000.

Item 3. From the appropriations made in this act, the Department of Finance and Administration, Bureau of TennCare, is requested to examine the impact to the budget of moving the CoverKids program, Tennessee's Children's Health Insurance Program (CHIP), into the TennCare program. The Bureau of TennCare shall report no later than January 1, 2013 to the chairs of the finance, ways and means committees of the senate and the house of representatives on the budget impact.

Item 4. It is the legislative intent that in the fiscal year ending June 30, 2013 and in subsequent fiscal years, any required reversion to the general fund balance from any unexpended funds available to the Secretary of State, Division of Public Documents, be reduced by a sum sufficient and transferred to the division for the sole purpose of funding any joint resolution, that becomes law, calling for an amendment to the Tennessee Constitution. It is the legislative intent that such funding be used to provide notice of any constitutional amendments proposed by the General Assembly.

Item 5. From the appropriations made in this act, the Administrative Office of the Courts is requested to conduct a statewide study of the assessment of all unpaid court fees, fines and costs compared to the actual collection of such fees, fines and costs. The study shall be limited to those assessments and collections made in the 2011-2012 fiscal year. The results of the study, including any recommended legislation, shall be reported to the chairs of the finance, ways and means committees, the judiciary committees of the senate and house of representatives, and the executive director of the fiscal review committee no later than January 1, 2013.

**SECTION 76.** The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there is hereby

appropriated a sum sufficient for implementation of any legislation cited, or otherwise described by category, in this act that has an effective date prior to July 1, 2012.

**FACILITIES REVOLVING FUND (FRF)**

SECTION 77. It is the legislative intent to recognize revisions in the Facilities Revolving Fund (FRF) capital improvements and capital maintenance projects listed on pages A-170 and A-171 of the 2012-2013 budget document. The projects are funded by appropriations made in Section 1, Title III-29, Item 4, and in Section 4, Title III-26, Item 4, of this act and from residual bond reserves of the Facilities Revolving Fund.

Item 1. In addition to the projects identified in the 2012-2013 budget document, \$4,720,000 is provided from revenues of the Facilities Revolving Fund for Capital Maintenance – Management Support Services.

Item 2. In addition to the projects identified in the 2012-2013 budget document, \$3,900,000 is provided from residual bond reserves (\$3,100,000) of the Facilities Revolving Fund and Office of Information Resources revenues (\$800,000) for the OIR Data Center North Renovation.

Item 3. The Davy Crockett Building Renovations project in the amount of \$1,000,000, as identified in the 2012-2013 budget document is hereby increased by \$2,720,000 in state appropriations, and \$1,480,000 from revenues of the Facilities Revolving Fund.

Item 4. In addition to the projects identified in the 2012-2013 budget document, \$427,300 is provided from revenues of the Facilities Revolving Fund to address security upgrades of the Legislative Plaza.

Item 5. The Rachel Jackson Building Renovations project in the amount of \$2,200,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 6. The R.S. Gass Laboratory Interior Renovations project in the amount of \$2,450,000, as identified in the 2012-2013 budget document, is hereby reduced by \$1,800,000.

Item 7. The John Sevier Interior Renovation project in the amount of \$6,000,000 as identified in the 2012-2013 budget document, is hereby canceled.

Item 8. The Central Services Building Interior Renovation project in the amount of \$1,950,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 9. The TPS Hardison Complex Flooring Updates project in the amount of \$440,000, as identified in the 2012-2013 budget document, is hereby canceled.



**PUBLIC DEFENDER OFFICES**

SECTION 78. Public Defender Offices in Davidson and Shelby Counties.

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The commissioner of finance and administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the speakers of the senate and house of representatives; the chairs of the finance, ways and means committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders"; the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 budget document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

**HIGHER EDUCATION LOTTERY SCHOLARSHIPS**

AND FURTHER AMEND by adding the following language as new items to Section 52:

Item 6. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2687 / House Bill 3332, relative to a short form lottery scholarship application, if such bill becomes a law.

Item 7. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3599 / House Bill 3816, relative to lottery scholarships for home school students, if such bill becomes a law.

Item 8. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3170 / House Bill 3622, relative to the eligibility status of the Art Institute of Nashville, if such bill becomes a law.

Item 9. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2919 / House Bill 3114, relative to the Tennessee STEP UP scholarship program, if such bill becomes a law.

**MISCELLANEOUS**

AND FURTHER AMEND by adding the following paragraph to the end of Section 23, Item 3:

The Commissioner of Finance and Administration shall provide a written quarterly report to the director of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

AND FURTHER AMEND by adding the following sentence to the end of Section 63, Item 2:

It is the intent of the general assembly that such funds shall not be distributed by means of the higher education formula.

AND FURTHER AMEND by deleting the item within Section 29 which reads as follows:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

and by substituting instead the following language:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds

to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system. The Tennessee Board of Regents shall file a written report with the chairs of the Education Committees of the Senate and House of Representatives concerning the provisions of this item.

AND FURTHER AMEND by adding the following sentence to the end of the item within Section 41 which begins "Settlement and Judgment Awards and Similar Awards":

The Attorney General and Reporter shall file a written report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

and by substituting instead the following:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

AND FURTHER AMEND by deleting the language "\$107,100,000" from Section 43, Item 1 and by substituting instead the language "\$107,300,000".

AND FURTHER AMEND by deleting the item within Section 48 which reads as follows:

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There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

(1) Insert between Sections 64 and 65 of the printed bill any new sections added to the bill so that Sections 65 through 69 of the printed bill will be the renumbered final sections of the engrossed bill;

(2) Delete the bold underlined explanatory headings in this amendment; and

(3) Exclude this paragraph from the engrossed bill.

/s/ Senator Jim Kyle

/s/ Representative Craig Fitzhugh

/s/ Representative Mike Turner

Rep. M. Turner moved that the Conference Committee Minority Report No. 2 on House Bill No. 3835 be adopted and made the action of the House.

Rep. McCormick moved that the Conference Committee Minority Report No. 2 be tabled, which motion prevailed by the following vote:

Ayes .....	65
Noes.....	30
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 65

Representatives voting no were: Armstrong, Bass, Brown, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M -- 30

Representatives present and not voting were: Pody -- 1

**CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 3835**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 3835 / Senate Bill No. 3768 has met and recommends that the following amendments be deleted:

House Amendment No. 2  
House Amendment No. 3  
Senate Amendment No. 18  
Senate Amendment No. 4  
Senate Amendment No. 5  
Senate Amendment No. 6  
Senate Amendment No. 7

The Committee further recommends that the following amendment be adopted:

By deleting each and every section of House Bill 3835 / Senate Bill 3768 and by substituting instead new Sections 1 through 69, namely:

Sections 1 through 69 of House Bill 3835 / Senate Bill 3768 as filed for introduction on February 6, 2012, and considered to be part of this amendment.

**ADMINISTRATION AMENDMENT**

**2011-2012 SUPPLEMENTAL APPROPRIATIONS**

AND FURTHER AMEND by deleting the following language from Section 38 of the printed bill:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 3,382,500.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
TOTAL .....		\$ 147,909,500.00

and by substituting instead:

Commerce and Insurance		
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 1,280,200.00
Revenue		
1.	Tax Refund Interest Expense – Accounting Change .....	\$ 2,500,000.00
2.	Sales Tax Disaster Relief .....	525,000.00
Total Revenue .....		\$ 3,025,000.00
TOTAL .....		\$ 146,332,200.00

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Provided further that the line item appropriation in the amount of \$525,000.00 relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by Senate Bill 2701 / House Bill 2889, if it becomes a law.

From the appropriation to the Department of Economic and Community Development in the amount of \$34,000,000 for headquarters relocation assistance, it is the legislative intent to make the following allocations to the Volkswagen Project: (a) \$19,110,000 for site preparation and infrastructure; (b) \$684,000 to FastTrack Infrastructure and Job Training Assistance for training a third shift; and (c) \$371,000 to Business Development for recruitment purposes.

The appropriations to the Department of Mental Health and to the Department of Economic and Community Development, including allocations to the Volkswagen Project, shall not revert to the general fund at June 30, 2012, and are hereby reappropriated in the fiscal year beginning July 1, 2012.

AND FURTHER AMEND in Section 41 of the printed bill by inserting a new item as follows:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is appropriated the sum of \$1,400,000 (non-recurring) to Loan/Scholarships Programs for the graduate nursing loan forgiveness program. The appropriation is intended to reinstate a non-recurring appropriation that reverted to the general fund balance. Pursuant to Tennessee Code Annotated, Section 49-4-702(d), this appropriation shall not revert to the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following items:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is reappropriated from the TennCare reserve the sum of \$58,700,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item \_\_\_. In the fiscal year ending June 30, 2013, there hereby is reappropriated from the TennCare reserve the sum of \$65,000,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by inserting a new section, to follow Section 70 of this amendment, to read as follows:

SECTION 71. Supplemental Appropriation for Land Acquisition. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In the fiscal year ending June 30, 2012, it is the legislative intent to recognize a contingency appropriation in the amount of \$8,800,000 for land acquisition made under the provisions of Section 75 in Chapter 473, Public Acts of 2011. Funding for the appropriation is identified in the 2012-2013 budget document on page A-10 (\$8,500,000) and in the administration budget amendment overview (\$300,000). Any unexpended balance of the appropriation at June 30, 2012, is hereby reappropriated to be expended in the

2012-2013 fiscal year for the purpose stated in Section 75 of Chapter 473, Public Acts of 2011.

**2012-2013 ITEMS AFFECTING REVENUE AVAILABILITY**

AND FURTHER AMEND by deleting in its entirety Item 9 in Section 43 of the printed bill and substituting instead the following:

Item 9. Pursuant to Tennessee Code Annotated, Section 67-6-103(k), there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$400,000 in the fiscal year ending June 30, 2012 and the sum of \$1,000,000 in the fiscal year ending June 30, 2013.

It is the legislative intent that \$600,000 of the \$1,000,000 apportionment is for the purpose of funding the state share of the mandated local cost of Senate Bill 2251 / House Bill 2389, relative to domestic violence, if that bill becomes a law. If that bill does not become a law, then the apportionment to the County Revenue Partnership Fund in the year ending June 30, 2013, shall be \$400,000.

AND FURTHER AMEND by deleting the following language from Title III-31 in Section 1 of the printed bill:

4. Amortization of Authorized and Unissued Construction Bonds ..	88,450,000.00
Total Title III-31 .....	\$ 436,460,000.00

and by substituting instead the following:

4. Amortization of Authorized and Unissued Construction Bonds ..	84,750,000.00
Total Title III-31 .....	\$ 432,760,000.00

**CERTAIN SECTION 1 AND 4 AMENDMENTS**

AND FURTHER AMEND by deleting the following language from Title III-22 in Section 1 of the printed bill:

13. State Employees 2.5% Salary Increase.....	36,000,000.00
27. Severance Benefit Plan.....	2,900,000.00
33. Temporary Office Space .....	6,000,000.00
Total Title III-22 .....	\$ 139,085,300.00

and by substituting instead the following:

13. State Employees 2.5% Salary Increase.....	35,500,000.00
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27.	Severance Benefit Plan.....	2,100,000.00
33.	Temporary Office Space .....	11,400,000.00
34.	OIR – Mainframe Outsourcing.....	3,700,000.00
	Total Title III-22 .....	\$ 146,885,300.00

AND FURTHER AMEND in Section 1 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health	
1.	Administration	
1.1	Administrative Services Division .....	\$ 13,653,000.00
	Total Administration.....	\$ 13,653,000.00
2.	Mental Health Services	
2.1	Middle Tennessee Mental Health Institute .....	\$ 27,250,000.00
2.2	Western Mental Health Institute.....	19,656,700.00
2.3	Moccasin Bend Mental Health Institute.....	16,379,800.00
2.4	Memphis Mental Health Institute .....	17,110,000.00
2.5	Community Mental Health Services.....	72,854,100.00
2.6	Major Maintenance .....	450,000.00
	Total Mental Health Services.....	\$ 153,700,600.00
3.	Alcohol and Drug Abuse Services	
3.1	Community Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Title III-14 .....	\$ 184,544,200.00

AND FURTHER AMEND in Section 4 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health	
1.	Administration	
1.1	Administrative Services Division .....	\$ 4,731,400.00
	Total Administration.....	\$ 4,731,400.00
2.	Mental Health Services	
2.1	Community Mental Health Services.....	\$ 18,300,400.00
2.2	Middle Tennessee Mental Health Institute .....	14,890,200.00
2.3	Western Mental Health Institute.....	13,823,500.00
2.4	Moccasin Bend Mental Health Institute.....	11,467,600.00
2.5	Memphis Mental Health Institute .....	4,094,900.00
	Total Mental Health Services.....	\$ 62,576,600.00
3.	Alcohol and Drug Abuse Services	
3.1	Community Alcohol and Drug Abuse Services .....	\$ 35,255,800.00
	Total Alcohol and Drug Abuse Services .....	\$ 35,255,800.00



Total Title III-14 ..... \$ 102,563,800.00

AND FURTHER AMEND the printed bill by inserting the following new paragraphs immediately after the introductory paragraph of Section 64 and by inserting the following additional sections immediately after Section 64 as amended and renumbering subsequent sections of the printed bill accordingly:

**LEGISLATION RECONCILIATION**

Provided that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Federal and other departmental revenue adjustments may be made as indicated in the text of the line items or in reconciliation to fiscal notes and to available federal aid. Adjustments to the number of authorized positions indicated in the line items as full-time (FT) and part-time (PT) shall be reconciled to the fiscal notes.

Provided further that the term fiscal note in this item refers to the final fiscal note on the bill as enacted.

Provided further that the line item appropriation in Item 1 for Senate Bill (SB) 2701 / House Bill (HB) 2889, relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by the bill, if it becomes a law, notwithstanding contrary provisions of this section regarding reconciliation to the fiscal note on the enacted bill.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

		Recurring	Non- Recurring
1.	Misc. Approp. - Administration Legislation - Delete	\$ (2,000,000)	\$ 0
2.	SB 884 / HB 984 - Labor & WFD - Unemployment Benefits for Military Spouses – Reduce	(1,200)	0
3.	SB 2199 / HB 2337 - Children's Services - Transitioning Youth Empowerment Act (\$4,800 Federal)	1,900	0
4.	SB 2210 / HB 2348 - Education - BEP Class Size and Salary Component Change – Delete	(795,000)	0
5.	SB 2233 / HB 2371 - Dept. of Revenue - E-Filing	0	0
6.	SB 2246 / HB 2384 - Civil Service Reform	0	0
7.	SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(247,400)	0
8.	SB 2250 / HB 2388 - Correction - Felons with Firearms - Incarceration	4,900	0

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	<u>Recurring</u>	<u>Non- Recurring</u>
9. SB 2251 / HB 2389 - Correction - Domestic Violence – Delete – Replaced by \$600,000 State-Shared Revenue to Counties	(780,000)	0
10. SB 2251 / HB 2389 - Correction - Domestic Violence – Incarceration - Delete	(868,200)	0
11. SB 2252 / HB 2390 - Correction - Gang Related Crime - Incarceration - Reduce	(1,913,900)	0
12. SB 2253 / HB 2391 - Health - Prescription Drug Bill - Controlled Substance Monitoring Database	230,300	0
13. SB 2253 / HB 2391 - Mental Health - Prescription Drug Bill - Controlled Substance Monitoring Database (\$281,700 Federal)	0	0
14. SB 2253 / HB 2391 - Correction - Prescription Drug Bill - Incarceration	29,100	0
15. SB 2280 / HB 2286 - Correction - Imitation Controlled Substances - Incarceration	86,100	0
16. SB 2701 / HB 2889 - Revenue Dept. - Sales Tax Disaster Relief	250,000	0
17. SB 2809 / HB 2613 - Higher Education - TBR - Dual Credit Courses	150,000	300,000
18. SB 3018 / HB 3175 - Correction - Controlled Substance Analogue - Incarceration	236,100	0
19. SB 3070 / HB 3459 – Secretary of State - Model Business Corporation Act - Computer Programming (\$400 Departmental Revenue)	0	59,500
20. SB 3620 / HB 3727 - Envir. & Cons. - Bicentennial Mall - Andrea Conte Walking Path - Signs	0	6,000
21. SB 3658 / HB 3431 - Labor & WFD - Unemployment Insurance Benefits - Effort to Secure Work	0	122,000
22. SB 3659 / HB 3429 - Labor & WFD - Unemployment Insurance - Internet-Based Electronic Notices (1 FT, 5 PT)	115,500	0
Total	<u>\$ (5,501,800)</u>	<u>\$ 487,500</u>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues. The appropriation line item below for Senate Joint Resolution (SJR) 353, relative to naming a building at McGhee Tyson Air Guard Base, is from federal sources, and the appropriation for that line item shall take effect upon becoming law, the public welfare requiring it.

	<u>Recurring</u>
1. SB 2247 / HB 2385 - Tennessee Regulatory Authority (5 Part-Time Directors, 1 FT Exec. Dir., -3 FT)	\$ (199,700)
2. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(1,200)
3. SB 3094 / HB 3373 - Transportation - S.R. 385 in Shelby & Fayette Counties - Gov. Dunn Parkway - Signs (Highway Fund Earmark)	300
4. SJR 353 - Military - McGhee Tyson Air Guard Base - Building Named for Maj. Gen. Frederick H. Forster (Federal Funds Earmark)	10,500
Total	<u>\$ (190,100)</u>

### **OTHER ADDITIONS TO BUDGET**

#### SECTION 65. Mortgage Servicer Settlement Agreement.

Item 1. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are contingent upon the state's receipt of funds from the national mortgage servicer settlement agreement(s) or consent judgments approved by the U.S. District Court in April 2012. There hereby is appropriated such sums as may be received from this source.

Item 2. The Commissioner of Finance and Administration is authorized to recognize the national mortgage servicer settlement revenue and allot the appropriations or allocate the funds in the manner required by generally accepted accounting principles; and such allotments and allocations shall be made for purposes and in such amounts available, as directed by the Attorney General and Reporter or the Commissioner of Financial Institutions for the funds each receives. If such funds are received or recognized in state revenue accounts as available in the year ending June 30, 2012, the Commissioner of Finance and Administration is authorized to allot a sum sufficient of such funds as may be expended in fiscal year 2011-2012 and to reserve at June 30, 2012 and 2013, the balance of such funds as may be available for expenditure in fiscal year 2012-2013 or thereafter; and such funds as are reserved at June 30, 2012, hereby are appropriated for expenditure in the year beginning July 1, 2012. At the closing of any fiscal year, it is the legislative intent that revenue received through this settlement shall be reserved for the intended purposes until expended.

Item 3. The State of Tennessee estimates that the amount of \$42,432,810 will be received, including \$41,432,810 by the Attorney General and Reporter and \$1,000,000 by the Department of Financial Institutions, for the benefit of the citizens of the State of Tennessee, to be used for purposes consistent with the applicable provisions of the consent judgments, as directed by the Attorney General and Reporter, including foreclosure prevention counseling; other housing and legal assistance programs; related compliance, investigative, enforcement, and education purposes; or to fund other programs reasonably targeted to housing or tenant issues; and to be used, as

directed by the Commissioner of Financial Institutions, for Department of Financial Institutions examiner training, information technology support, financial literacy, and consumer education. From the amount of revenue estimated above, the allocations to be made, subject to approval and adjustments by the Attorney General and Reporter for sub-items (a) through (e) of this item, are as follows, and such amounts in this item hereby are appropriated or allocated for these purposes:

(a) To the general fund, allocation of a civil penalty of \$4,120,781.

(b) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(c) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(d) To the Miscellaneous Appropriations, \$700,000 for grants to four legal aid entities (Memphis Area Legal Services, West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid Society of Middle Tennessee and the Cumberlands) for the purpose of training, education, and legal services relating to housing and foreclosure matters. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the Attorney General and Reporter or to make the grants as directed by the Attorney General and Reporter.

(e) To the Attorney General's litigation settlement reserve, \$1,862,029, including \$1,637,029 for investigative and enforcement purposes and \$225,000 for executive committee work.

(f) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (a) \$350,000 for examiner training; (b) \$350,000 for information technology support and equipment; (c) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (d) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to adjust these amounts to the amount of revenue available from the settlement(s) and to reallocate amounts among these purposes. The Commissioner of Finance and Administration is authorized to adjust the departmental revenue estimate and allotment of the Treasury Department for the grant to the Financial Literacy Commission.

(g) The Commissioner of Finance and Administration is authorized to adjust the allocations and appropriations in this item as realized receipts require and as directed by the Attorney General and Reporter or, relative to paragraph (f), by the Commissioner of Financial Institutions.

**SECTION 66. Budget Reductions Restored.** In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated from the general fund and education fund, as applicable, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations

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accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	Non-Recurring
1. TennCare for Children's Services - Base Reduction Reconciliation (Federal \$425,200)	\$ 217,200	\$ 0
2. TennCare for Dept. of Finance and Administration, Inspector General - Vacancy Reduction Reconciliation (\$118,800 Federal)	118,800	0
3. Envir. & Cons. - Core Services FY 11 #8 - West TN River Basin Authority Maintenance	0	300,000
4. Education - Core Services FY 10 #20 - Family Resource Centers	0	3,050,000
5. Mental Health - Core Services FY 10 #7 - Peer Support Centers	0	1,377,300
6. Health - Core Services FY 10 #18 - Poison Control Center	375,000	0
7. Intellectual and Developmental Disabilities - Core Services FY 10 #7- Family Support @ \$5.5 M	0	1,000,000
8. TBI - Base Reduction FY 10 #3 - Drug Enforcement Funds	0	603,800
9. Safety - Base Reduction FY 13 #2 - Highway Patrol - Homeland Security & Wrecker Inspection (8 FT)	851,200	0
10. Children's Services - Base Reduction FY 13 #2 - Juvenile Court Supplement	855,000	0
11. Children's Services - Core Services FY 10 #3 - Juvenile Court Prevention Grants - Reduce	(855,000)	0
12. Health - Core Services FY 10 DCS #14 - Healthy Start	0	3,060,100
13. Health - Core Services FY 10 DCS #2 - Child Health & Development (CHAD)	0	838,100
14. Children's Services - Base Reduction FY 13 #9 - Child Advocacy Centers	0	250,000
Total	<u>\$ 1,562,200</u>	<u>\$ 10,479,300</u>

SECTION 67. Group Health Insurance Premium Adjustment. In addition to the amounts appropriated in Section 1 of this act, an amount of \$1,300,000 is appropriated for the purpose of adjusting the state share of group health insurance premium increases at January 1, 2013. The appropriations shall be adjusted as follows, and the Commissioner of Finance and Administration shall allocate the adjustments to the appropriate organizational units.

(a) From the Miscellaneous Appropriations, Group Health Insurance Premium – State Employees, in Section 1, Title III-22-15, reduced by \$2,600,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(b) From the Higher Education systems, in Section 1, Title III-10, reduced by \$2,100,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(c) To the Department of Education, Basic Education Program, in Section 1, Title III-9, Item 2.1(c), an additional \$6,000,000 for the state formula share of a 9.2 percent average increase, rather than the 5 percent included in the Budget Document.

SECTION 68. Other Additions to the Operational Budget. In addition to the amounts appropriated in Section 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. General Fund Appropriations. The following appropriations are from the general fund.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Correction Dept. - Dairy Farm Boiler Operators (3 FT)	\$ 129,100	\$ 0
2. Correction Dept. - Dairy Farm Operation - Utilities	300,000	0
3. Correction Dept. - Big Brothers Big Sisters - Amachi Mentoring for Children of Inmates - Grant	0	250,000
4. TennCare - Medicaid Systems Development Staffing (Federal \$1,252,500) (32 FT)	481,500	0
5. TennCare - Diabetic Test Strips - Rate Adjustment (Federal \$565,900)	289,100	0
6. Finance and Administration - Business Solutions Delivery (8 FT)	1,400,000	0
7. Veterans Affairs - Communications and Public Affairs Position (1 FT)	68,000	0
8. Correction - Local Jails Reimbursement @ \$37 per Day	4,000,000	0
9. Labor & WFD - Career Centers - Federal Revenue Decrease (\$6.8 M)	0	5,000,000
10. Health – Comprehensive Sickle Cell Clinic of Memphis - Grant	0	50,000
11. Safety - Motor Vehicle Operations	1,600,000	900,000
Total	<u>\$ 8,267,700</u>	<u>\$ 6,200,000</u>

Item 2. State Treasurer. From the general fund, the sum of \$200,000 (non-recurring) hereby is appropriated to the State Treasurer for expenditures relative to veterans organizations.

Item 3. Dedicated Source Appropriations. The following appropriations are from dedicated state revenue sources.

	<u>Recurring</u>
1. Agriculture - Beef Promotion Fund - Sum Sufficient from 50¢ per Head Assessment	\$ 235,000
2. Health - Health-Related Boards - Complaint Resolution - Mediator and Investigation Positions (7 FT)	<u>760,400</u>
Total	<u>\$ 995,400</u>

Item 4. State Treasurer. In addition to the appropriation of departmental revenue to the Treasury Department in Section 4, Title III-1, Item 6.1, there hereby is appropriated from the state pooled investment fund revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g):

(a) An amount not to exceed \$250,000 for costs associated with employee relocation and office consolidation of the Department of Revenue and for costs of providing shared facilities services supporting the Treasury Department and the Department of Revenue.

(b) An amount not to exceed \$200,000 for implementation of image cash letter deposit initiatives within state agencies.

SECTION 69. Reorganization of Appropriations. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	<u>Recurring</u>	
	<u>Appropriation</u>	<u>Departmental Revenue</u>
1. Correction – Field Services (-44 FT) - Reduce	\$ (4,019,500)	\$ 0
2. Parole Board - Staffing (44 FT)	4,019,500	0
3. Correction - Sentencing Act of 1985 - Reduce	(1,411,900)	0
4. Correction – Southeastern TN Regional Prison Expansion – Accelerated Staffing	1,411,900	0
5. General Services - Real Estate Asset Management – Staffing (-2 FT) – Reduce	(127,500)	0

	Recurring	
	Appropriation	Departmental Revenue
6. Finance and Administration - State Architect - Staffing (2 FT)	127,500	0
7. Intellectual and Developmental Disabilities – Home- and Community-Based Services - Interdepartmental	0	(6,748,000)
Total	\$ 0	\$ (6,748,000)

### **BUDGET REDUCTIONS AND RECONCILIATION**

#### SECTION 70. Budget Reductions and Reconciliation.

Item 1. Court System - Core Services Program Reduction. The appropriation in Section 4, Title II, Item 7, to the Court System, Administrative Office of the Courts, from its reserves is reduced by \$456,300, and the authorized positions are reduced by five (5) for the purpose of deleting the item recommended in the 2012-2013 Budget Document, Volume 2, Base Budget Reductions, on pages 99 and 138, and identified as Core Services 2010-2011 Reductions, number 1, Staffing and Operational.

Item 2. Commerce and Insurance Department - Indirect Cost Reconciliation. The appropriation in Section 1, Title III-11, Item 1, Commerce and Insurance, Administration, is reduced by \$2,102,300 and the interdepartmental revenue estimate increased by the same amount to correct the estimated indirect costs of Regulatory Boards to an amount of \$1,280,200, rather than the amount of \$3,382,500 stated on page A-47 of the 2012-2013 Budget Document.

AND FURTHER AMEND in Section 2, Item 12(a), of the printed bill by deleting the figure “\$24,492,500” and substituting in lieu thereof the figure “\$25,904,400”.

AND FURTHER AMEND in Section 11, Item 1 of the printed bill by deleting sub-item (b) in its entirety and substituting instead:

(b) The dollar value of the BEP instructional positions component shall be thirty-nine thousand eight hundred forty-nine dollars (\$39,849);

### **SECTION 39 – FEDERAL AND OTHER DEPARTMENTAL REVENUE**

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2012, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2012.



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(a) There hereby is appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
District Attorneys General Conference		
1. District Attorneys General	\$ 143,400	\$ 0
Higher Education - State Administered Programs		
1. Tennessee Higher Education Commission	150,000	0
Labor and Workforce Development		
1. Employment Security	1,362,100	0
Mental Health		
1. Community Alcohol and Drug Abuse Services	\$ 2,090,700	\$ 4,354,600
2. Community Mental Health Services	<u>0</u>	<u>2,200,000</u>
Sub-Total Mental Health	\$ 2,090,700	\$ 6,554,600
Health		
1. Maternal and Child Health	\$ 500,000	\$ 7,852,200
2. Communicable and Environmental Disease Services	26,900	90,400
3. Community and Medical Services	129,600	0
4. Local Health Services	<u>509,800</u>	<u>0</u>
Sub-Total Health	\$ 1,166,300	\$ 7,942,600
Children's Services		
1. Custody Services	<u>0</u>	<u>30,000</u>
Sub-Total Section 39(a)	<u>\$ 4,912,500</u>	<u>\$14,527,200</u>

The Commissioner of Finance and Administration is authorized to establish eighteen (18) full-time positions and to allocate them to the appropriate organizational units, including three (3) positions in the District Attorneys General Conference; one (1) in the Department of Commerce and Insurance, Tennessee Law Enforcement Training Academy; five (5) positions in the Department of Labor and Workforce Development; and nine (9) positions in the Department of Health, including eight (8) for continuation of federally funded positions in the Division of Communicable and Environmental Disease Services.

(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
Executive Department		
1. Governor's Office	\$ 15,000	\$ 45,000

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Health

1. Maternal and Child Health	69,800	209,500
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Human Services

1. Community Services	<u>127,900</u>	<u>554,100</u>
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Sub-Total Section 39(b)	<u>\$ 212,700</u>	<u>\$ 808,600</u>
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The Commissioner of Finance and Administration is authorized to establish three (3) full-time positions and to allocate them to the appropriate organizational units, including one (1) position in the Executive Department, one (1) position in the Department of Health, and one (1) position in the Department of Human Services.

Total Section 39	<u>\$ 5,125,200</u>	<u>\$15,335,800</u>
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**CAPITAL OUTLAY**

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1 of the printed bill:

5. Department of Environment and Conservation .....	12,940,000.00
7. Department of General Services.....	12,930,000.00
13. Tennessee Board of Regents .....	48,930,000.00
14. University of Tennessee .....	34,345,000.00
Total Title III-32 .....	\$ 138,600,000.00

and by substituting instead the following:

5. Department of Environment and Conservation .....	13,940,000.00
7. Department of General Services.....	15,660,000.00
13. Tennessee Rehabilitative Initiative in Correction .....	2,600,000.00
14. Tennessee Board of Regents .....	48,930,000.00
15. University of Tennessee .....	34,345,000.00
Total Title III-32 .....	\$ 144,930,000.00

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

Item \_\_. The capital maintenance project, ETSU CoM Family Practice Replace Roof, to be funded in the amount of \$500,000 from the Tennessee Board of Regents appropriation in Section 1, Title III-32, Item 14 of this act and listed on page A-147 of the 2012-2013 budget document, is deleted and there is hereby reappropriated the sum of \$500,000 for the ETSU CoM Education Building Electrical Updates.

Item \_\_. In addition to the capital budget projects listed on pages A-144 through A-146 of the 2012-2013 budget document, two capital improvement projects and one capital maintenance project are funded in the appropriations in Section 1, Title III-32, Items 5, 7 and 13 of this act:

(a) Department of Environment and Conservation - Radnor Lake State Natural Area – Land Acquisition	\$1,000,000.00
(b) Department of General Services – Capital Maintenance - Management Support Services	\$2,730,000.00
(c) Tennessee Rehabilitative Initiative in Correction - Cook-Chill Equipment Replacement and Repair	\$2,600,000.00

**SECTION 1 AND 4 AMENDMENTS - FACILITIES REVOLVING FUND (FRF)**

AND FURTHER AMEND by deleting the following language from Title III-29 in Section 1 of the printed bill:

2. General Services Project Maintenance.....	5,547,600.00
3. Capital Projects .....	125,100,000.00
Total Title III-29 .....	\$ 138,164,800.00

and by substituting instead the following:

2. General Services Project Maintenance.....	1,100,000.00
3. Facilities Management.....	5,547,600.00
4. Capital Projects .....	115,870,000.00
Total Title III-29 .....	\$ 130,034,800.00

AND FURTHER AMEND by deleting the following language from Title III-26 in Section 4 of the printed bill:

4. Capital Projects .....	6,680,000.00
Total Title III-26 .....	\$ 138,902,200.00

and by substituting instead:

4. Capital Projects .....	13,667,300.00
Total Title III-26 .....	\$ 145,889,500.00

**HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY**  
**FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES**

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new item to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-150 through A-151 in the 2012-2013 Budget Document:

**State University and Community College System**  
**(Tennessee Board of Regents)**

**Austin Peay State University**

Dunn Center Scoreboard Replacement	\$ 1,870,000
<b>Total APSU</b>	<b>\$ 1,870,000</b>

**East Tennessee State University**

Baseball Stadium Upgrades	\$ 4,500,000
Gray Fossil Site Improvements	180,000
Pedestrian Safety Improvements	1,000,000
<b>Total ETSU</b>	<b>\$ 5,680,000</b>

**Middle Tennessee State University**

Athletic Track Refurbishment	\$ 400,000
Data Center Consolidation	5,250,000
Keathley University Center Renovation	3,000,000
McFarland Building Renovations	2,000,000
<b>Total MTSU</b>	<b>\$ 10,650,000</b>

**Tennessee State University**

Campus-wide Relocations and Renovations	\$ 250,000
Charter School Facilities Development	1,700,000
Hankal Hall Relocations and Renovations	1,000,000
<b>Total TSU</b>	<b>\$ 2,950,000</b>

**Tennessee Technological University**

Foundation Hall Parking	\$ 630,000
Intramural Sports and Activities Building	7,210,000
Parking and Transportation Improvements	750,000

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Warf/Ellington Residence Hall Upgrade	2,250,000
Science & Engineering Complex Parking Garage	18,000,000
Tech Village Apartments Renovations Phase 3	9,680,000
<b>Total TTU</b>	<b>\$ 38,520,000</b>

**University of Memphis**

Annex Facility Improvements	\$ 400,000
Dining Pavilion Construction	150,000
Emergency Operations Generator	150,000
Intramural Field Development	1,300,000
Park Avenue Campus Entry	500,000
Traffic and Circulation Improvements	3,000,000
Zach Curlin Parking Extension	1,100,000
Carney-Johnston Dormitory Renovation	3,000,000
Dormitory Reroofing	920,000
<b>Total UoM</b>	<b>\$ 10,520,000</b>

**Cleveland State Community College**

Fire Alarm System Upgrade	\$ 1,000,000
<b>Total CLSCC</b>	<b>\$ 1,000,000</b>

**Jackson State Community College**

Student Center Repairs and Updates	\$ 500,000
<b>Total JSCC</b>	<b>\$ 500,000</b>

**Nashville State Community College**

Antioch Teaching Site Renovations	\$ 3,680,000
<b>Total NASCC</b>	<b>\$ 3,680,000</b>

**Pellissippi State Community College**

Campus Window Replacement	\$ 300,000
Career Center Renovation	700,000
Division Street Parking	820,000
Magnolia Campus Student Parking	600,000
Modular Classroom Building	370,000
<b>Total PSCC</b>	<b>\$ 2,790,000</b>

**Southwest Tennessee Community College**

F Building Renovations	\$ 190,000
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Whitehaven Renovations	5,600,000
<b>Total STCC</b>	<b>\$ 5,790,000</b>

**Volunteer State Community College**

Campus Loop Road Extension	\$ 3,000,000
Wood Campus Center Upgrades	3,000,000
<b>Total VSCC</b>	<b>\$ 6,000,000</b>

**TTC Nashville**

Aviation Hanger Construction	\$ 100,000
<b>Total TTC Nashville</b>	<b>\$ 100,000</b>

<b>Total Tennessee Board of Regents</b>	<b>\$ 90,050,000</b>
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**University of Tennessee System**

**University of Tennessee Chattanooga**

West Campus Parking & Housing Complex Planning	\$ 2,500,000
Arena Renovations Planning	100,000
Dining Services Improvements	1,000,000
Life Sciences Laboratory Facility Planning	3,000,000
<b>Total UTC</b>	<b>\$ 6,600,000</b>

**UT Institute of Agriculture**

Energy & Enviro. Sciences Education Ctr. Planning	\$ 2,000,000
<b>Total UTIA</b>	<b>\$ 2,000,000</b>

**University of Tennessee Knoxville**

Phillip Fulmer Way Expansion	\$ 15,000,000
Greve Hall Improvements Phase 2	4,000,000
Panhellenic Building Renovation Phase 2	4,000,000
Lab Renovations	11,000,000
Deferred Maintenance	12,500,000
New Student Housing Planning	3,000,000
<b>Total UTK</b>	<b>\$ 49,500,000</b>

**UT Martin**

Fine Arts Renovation and Addition Planning	\$ 500,000
Football Pressbox Improvements Planning	100,000
<b>Total UTM</b>	<b>\$ 600,000</b>

Total University of Tennessee

\$ 58,700,000

Grand Total

\$ 148,750,000

The UT Chattanooga request for Mackenzie Arena Seating & Curtain System Improvements in the amount of \$1,200,000 and the UT Knoxville request for Shelbourne Tower Renovation in the amount of \$18,000,000 as identified on page A-151 of the 2012-2013 Budget Document are to be canceled.

**OTHER PROVISIONS**

AND FURTHER AMEND in Section 29 by inserting the following new item at the end of the section:

Item \_\_\_\_\_. From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

AND FURTHER AMEND in Section 9, Item 4, by deleting the words “investment performance” and substituting in lieu thereof the words “investment and pensions administration performance” and by deleting the words “investment staff” and inserting in lieu thereof the words “investment and administrative staff”.

AND FURTHER AMEND in Section 9, Item 5, by deleting the words and punctuation “for payment of Unclaimed Property – Claims” and inserting in lieu thereof the words and punctuation “, Unclaimed Property, for payment of claims and claims administrative expense”.

AND FURTHER AMEND in Section 34 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the administration and support services programs in Section 1, Title III-10, Items 1.1 through 1.7, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation.

AND FURTHER AMEND in Section 35 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the University of Tennessee System in Section 1, Title III-10, Item 3 to provide for technical corrections to the allocation of funding for 401K benefits.

AND FURTHER AMEND in Section 36, by deleting Item 56 in its entirety and inserting in lieu thereof the following:

Item 56. To the Treasury Department for college savings incentive initiatives and a college savings plan in Public Acts of 2010, Chapter 1108, Section 1, Title III-1, Item

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7.3, and Section 35, Item 3; and Public Acts of 2011, Chapter 473, Section 1, Title III-1, Item 7.3, and Section 72, Item 3, and Section 36, Item 60.

AND FURTHER AMEND in Section 36 of the printed bill by inserting new items at the end of the section to read:

Item \_\_\_. To the Department of Children's Services in Section 1, Title III-23 to fund operational expenses during the closure process of the Taft Youth Developmental Center. The carry-forward amount is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. To the Department of Environment and Conservation in Section 1, Title III-5, the unexpended balance of the \$750,000 non-recurring appropriation for May 2010 flood, stream debris removal and repair.

AND FURTHER AMEND in Section 41 by inserting the following new items at the end of the section:

Item \_\_\_. For the purpose of defraying administrative costs of authorized programs of the Tennessee Local Development Authority, there is hereby appropriated to the Tennessee Local Development Authority an amount not to exceed \$700,000 from loan repayment amounts attributable to community provider loans. Such amounts shall be determined as necessary by the State Funding Board and the Tennessee Local Development Authority.

Item \_\_\_. Court Interpreter Services. The cost increase described in the Budget Document on page B-212 as "General Sessions Courts – Interpreter Services" is incorrectly described in the Budget Document. From the appropriation to the Court System, Administrative Office of the Courts, in Section 1, Title II, Item 13, the sum of \$2,000,000 hereby is appropriated for the purpose of providing interpreter services, in accordance with the rules prescribed by the Supreme Court, to persons with limited English language proficiency who have a matter before courts established by or pursuant to Tennessee law. Provided further that the appropriation is authorized to be transferred by the Commissioner of Finance and Administration to a new line item to be called Court Interpreter Services; and provided further that the commissioner, subject to approval of the Administrative Director of the Courts, is authorized to transfer the sum of \$1,000,000 from Indigent Defendants Counsel to Court Interpreter Services, such sum being the estimated amount that otherwise would be expended for interpreter services to indigent defendants in criminal cases in the state courts.

Item \_\_\_. Settlement and Judgment Awards and Similar Awards. In addition to the appropriations in Public Acts of 2011, Chapter 473, and in this act, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards hereby are appropriated for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. At June 30, 2012, and any subsequent fiscal year end, the unexpended balance of such funds shall be reserved and carried forward for expenditure in the subsequent fiscal year; and such funds as are carried forward hereby are



appropriated for the intended purposes. The provisions of this item shall not require the reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item \_\_. Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

#### **OVER-APPROPRIATION AND REVERSION ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language and punctuation from Item 1(a) in Section 43 of the printed bill:

“and a non-recurring reversion of \$94,500,000.”

and by substituting instead the following:

“and a non-recurring reversion of \$107,100,000.”

AND FURTHER AMEND by inserting a new sub-item in Item 1 in Section 43 of the printed bill to read:

(c) In fiscal year 2012-2013 to recognize an Office for Information Resources (OIR) rate decrease in the estimated recurring amount of \$2,600,000 by reducing appropriations made in Section 1 of this act.

#### **TENN-CARE FEDERAL PROGRAM EXPANSION**

AND FURTHER AMEND by inserting a new item in Section 48 of the printed bill to read:

Item \_\_\_\_\_. There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

**2012-2013 SALARY POLICY**

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 49 of the printed bill and by renumbering the subsequent items in Section 49.

AND FURTHER AMEND by inserting a new paragraph at the end of the newly designated Item 4 in Section 49 (Item 5 of the printed bill) to read:

From the \$15,000,000 appropriation it is the legislative intent to earmark for non-executive agencies the following amounts in fiscal year 2012-2013:

Legislature .....	\$ 253,500.00
Fiscal Review Committee.....	12,000.00
Court System .....	244,500.00
Attorney General and Reporter .....	550,000.00
Secretary of State .....	225,000.00
Comptroller of the Treasury .....	379,500.00
Treasury Department.....	1,500.00
Total Non-Executive Agencies .....	\$1,666,000.00

AND FURTHER AMEND in Section 60 of the printed bill by adding the following at the end of the first paragraph:

Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

**HOUSEKEEPING PROVISIONS**

AND FURTHER AMEND in Section 1, Title III-30, in the fourth paragraph thereof, by deleting the word "Chairmen" in both instances and substituting in both places the word "Chairs".

AND FURTHER AMEND in Section 3, Item 1, in the third paragraph, by deleting the word "chairman" and substituting in lieu thereof the word "chair".

AND FURTHER AMEND and in Section 6, Item 12, by deleting the citation "Senate Bill \_\_\_\_ / House Bill \_\_\_\_" in both instances and substituting in lieu thereof in both places the citation "Senate Bill 3769 / House Bill 3836".

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AND FURTHER AMEND in Section 7, Item 1, by deleting the date “2011-2012” and substituting in lieu thereof the date “2012-2013”.

AND FURTHER AMEND in Section 7, Item 2, by deleting the word “Chairman” and substituting in lieu thereof the word “Chair” and by deleting the word “him” in both instances and in the first instance substituting the words “the Chair” and in the second instance substituting the words “the Secretary”.

AND FURTHER AMEND in Section 7, Item 12, by deleting the word “firemen” and substituting in lieu thereof the word “firefighters”, by deleting the word “fireman’s” and substituting the word “firefighter’s”, and by deleting the word “his” and substituting the word “the”.

AND FURTHER AMEND in Section 7, Item 13, by deleting the word “his” and substituting in lieu thereof the word “the”.

AND FURTHER AMEND in Section 8, Item 5, by deleting the first comma and by inserting after the word and punctuation “General,” the words and punctuation “in accordance with Tennessee Code Annotated, Section 8-6-106,”.

AND FURTHER AMEND in Section 8, Item 11, by deleting the word “Agency” and inserting in lieu thereof the word “Authority”.

AND FURTHER AMEND in Section 8, Item 16(e) by deleting the words and citation “and Section 67-4-606”.

AND FURTHER AMEND in Section 8, Item 19(e) by deleting the word “Authority” and substituting in lieu thereof the word “Agency”.

AND FURTHER AMEND in Section 8, Item 30(b) by deleting the words and date “Act of 1989” and substituting in lieu thereof the words “Incentive Account”.

AND FURTHER AMEND in Section 8, Item 37, by deleting the word “unit” and substituting in lieu thereof the word “Division”.

AND FURTHER AMEND in Section 10, Item 16, of the printed bill by inserting after the citation “Item 2,” the words “and in Section 68, Item 1 (8),” and by deleting the amount “\$35.00” in all three places and inserting in lieu thereof the amount “\$37.00”.

AND FURTHER AMEND in Section 10, Item 17, by deleting the amount “five hundred dollars (\$500.00)” and substituting in lieu thereof the amount “one thousand dollars (\$1,000.00)”.

AND FURTHER AMEND in Section 10, Item 25, by deleting the word “specialty” and inserting in lieu thereof the words and punctuation “cultural, specialty earmarked, new specialty earmarked, and collegiate”; and by inserting the following before the period at the end of the sentence: “, as provided in Tennessee Code Annotated, Title 55, Chapter 4”.

AND FURTHER AMEND in Section 10, by renumbering items 30, 31, 32, and 33, as items 28, 29, 30, and 31, respectively.

AND FURTHER AMEND in Section 12, Item 2, by deleting the TCA citation “4-5-209” and substituting in lieu thereof the citation “4-5-208”.

AND FURTHER AMEND in Section 12, Item 3, by deleting the words “bill is minimal” and inserting in lieu thereof the words “bill as enacted is minimal”.

AND FURTHER AMEND in Section 15, Item 7 of the printed bill by deleting the words “Finance and Administration” in two places in the item and substituting instead the words “General Services” in both places.

AND FURTHER AMEND in Section 20 by deleting the year “2012” and substituting in lieu thereof the year “2013”.

AND FURTHER AMEND in Section 23, Item 1, in the second paragraph, in its first sentence, by deleting the words “estimated federal” and inserting in lieu thereof the word “federal”.

AND FURTHER AMEND the printed bill in Section 23, Item 3, by deleting the item in its entirety and by substituting instead the following:

Item 3. The capital budget and appropriations for capital outlay shall be presented as provided in Senate Bill 2418 / House Bill 2552 or Senate Bill 3771 / House Bill 3839, if such provisions in either bill become law. If such provisions in either cited bill do not become law, the following provisions of this item shall not apply and Tennessee Code Annotated, Section 9-4-5108(b) shall apply; if such provisions in either cited bill become law, then the provisions of such bill and the following provisions of this item shall apply:

The capital budget, to be included in part 3 of the budget document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars (\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be specified in such detail in the budget document as the Governor shall determine. Appropriations for capital improvement and capital maintenance projects shall be specified by state agency in lump sums consistent with capital improvement and maintenance projects detailed in the budget document.

AND FURTHER AMEND in Section 23, Item 4, of the printed bill by deleting the word “Chairmen” and inserting in lieu thereof the word “Chairs”.

AND FURTHER AMEND in Section 26, Item 6, by deleting, in the first instance in which they appear, the words “as authorized under” and substituting in lieu thereof the words “at the same rates and in the same manner provided by”.

AND FURTHER AMEND in Section 28 by inserting after the word “Administration” at the end of the second sentence the words “and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304”.

AND FURTHER AMEND in Section 31 of the printed bill by:

(a) deleting the following language:

2. Mental Health Services block grant in the amount of \$8,174,600

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and inserting in lieu thereof the following:

2. Mental Health Services block grant in the amount of \$10,374,600

; and,

(b) deleting the following language:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$30,275,500

and inserting in lieu thereof the following:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,275,500

AND FURTHER AMEND in Section 35, Item 1, by inserting after the word and punctuation “Counsel,” the words and punctuation, “Court Interpreter Services,”.

AND FURTHER AMEND in Section 36, Item 57, by deleting the citation “Section 77, Item 19” and inserting in lieu thereof the citation “Section 41, Item 35, of this act”.

AND FURTHER AMEND in Section 36, Item 4, by deleting the TCA citation “67-4-606(a)(B)(9)” and substituting in lieu thereof the citation “67-4-606(a)(9)”.

AND FURTHER AMEND in Section 41, Item 19, by deleting the words and punctuation “(d) Governor’s Schools; and (e) Governor’s Institute for Science and Math” and inserting in lieu thereof the words and punctuation “and (d) Governor’s Schools”.

AND FURTHER AMEND in Section 41, Item 20, by deleting the words “the Tennessee Infant Parent Services School” and inserting in lieu thereof the words “Tennessee Early Intervention Services”.

AND FURTHER AMEND in Section 41, Item 24, by deleting the word “rent” and inserting in lieu thereof the word “rental”.

AND FURTHER AMEND in Section 41, Item 33, by deleting the TCA citation “67-801(b)(1)” and substituting in lieu thereof the citation “67-1-801(b)(1)”.

AND FURTHER AMEND by inserting new items at the end of Section 41 of the printed bill to read:

Item \_\_\_. The Commissioner of Finance and Administration is authorized to establish three (3) additional full-time positions in the Department of Environment and Conservation, State Parks, to correct a position count error.

Item \_\_\_. The Commissioner of Finance and Administration is authorized to establish one (1) additional full-time position in the Comptroller of the Treasury, Division of County Audit, to correct a position count error.

AND FURTHER AMEND in Section 48 of the printed bill by deleting in Item 7 the date “June 30, 2012” and the figure “\$10,100,000” and by substituting instead the date “June 30, 2013” and the figure “\$8,969,100”.

AND FURTHER AMEND by adding the following new sections:

**LEGISLATIVE SOURCE ADJUSTMENTS**

**SECTION 72.**

Item 1. The appropriation in Section 1, Title III-9, Item 2.1(b) to the Department of Education, Career Ladder, is reduced by the sum of \$1,500,000 (recurring) for the purpose of recognizing program savings because of attrition.

Item 2. At June 30, 2012, the sum of \$15,000,000 shall be transferred to the General Fund from Tennessee Emergency Management Agency (TEMA), Reserve for Disaster Relief, and the remaining unexpended balance of TEMA disaster relief appropriations and reserves shall be carried forward at June 30, 2012, and hereby is appropriated for expenditure in the year beginning July 1, 2012. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

Item 3. The appropriation in Section 1, Title III-29, to the Facilities Revolving Fund, Capital Projects, is reduced by \$5,500,000 for the purpose of reducing to \$69,500,000 the Office Consolidation Project identified on page A-170 of the 2012-2013 Budget Document.

Item 4. Of the appropriation in Section 1, Title III-8, Item 3, to the Department of Economic and Community Development, FastTrack Infrastructure and Job Training Assistance Program, and identified on page B-330 of the 2012-2013 Budget Document as a cost increase of \$10,000,000 recurring and \$10,000,000 non-recurring, the recurring sum of \$10,000,000 hereby is designated as a non-recurring appropriation, such that the entire \$20,000,000 FastTrack program cost-increase described on page B-330 shall be non-recurring.

Item 5. Of the appropriation in Section 1, Title III-9, Item 2.1(c), to the Department of Education, Basic Education Program (BEP), and identified as core-services continuation of BEP ADM Growth Funding on page 118 of the 2012-2013 Budget Document, Volume 2, a sum of \$3,500,000 hereby is designated as a non-recurring appropriation.

**DEDICATED SOURCE & EARMARKS**

**SECTION 73.**

**Item 1.**

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Chapter 734 of the Public Acts of 2012, Chapter 739 of the Public Acts of 2012, Chapter 740 of the Public Acts of 2012, Senate Bill 2278 / House Bill 2682, Senate Bill 2401 / House Bill 2329, Senate Bill 2678 / House Bill 2803, Senate Bill 2684 /

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House Bill 2794, Senate Bill 2732 / House Bill 2793, Senate Bill 2733 / House Bill 2878, Senate Bill 2778 / House Bill 3570, House Joint Resolution 872, and Senate Joint Resolution 629, if such bills and resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act. It is the legislative intent that such funding be earmarked for implementation of such bills and resolutions in the fiscal year ending June 30, 2013, and in subsequent fiscal years.

(c) This item shall take effect upon becoming a law, the public welfare requiring it.

Item 2. From funds available and appropriated to the Department of Commerce and Insurance (Scrap Metal Registration Program), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 2895 / House Bill 3246, relative to scrap metal dealers, if such bill becomes law.

Item 3. From funds available and appropriated to the Department of Health (Division of Health Related Boards), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3644 / House Bill 3688, relative to electronic notifications, if such bill becomes law.

Item 4. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 3655 / House Bill 3690, relative to licenses for disabled minors, if such bill becomes law.

Item 5. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$400 for the sole purpose of implementing Senate Bill 3590 / House Bill 2776, relative to reorganization of the agency, if such bill becomes law.

Item 6. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing Senate Bill 2403 / House Bill 2294, relative to licenses for persons with intellectual disabilities, if such bill becomes law.

Item 7. From funds appropriated the University of Tennessee System and the Tennessee Board of Regents System, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3022 / House Bill 3665, relative to higher education, if such bill becomes law.

Item 8. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 221, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 9. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution

183 and/or Senate Joint Resolution 710, in accordance with Section 3 of Article XI of the Tennessee Constitution, if either, or both, such resolutions are adopted.

Item 10. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 222, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 11. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771 / House Bill 3839, if such bill becomes law.

### **LEGISLATIVE INITIATIVES**

#### **SECTION 74.**

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill 2863 / House Bill 3213, Senate Bill 3155 / House Bill 3272, Senate Bill 2368 / House Bill 2488, Senate Bill 2371 / House Bill 2493, Senate Bill 1325 / House Bill 1379, Senate Bill 3005 / House Bill 2868, Senate Bill 2349 / House Bill 2311, Senate Bill 2606 / House Bill 2655, Senate Bill 2759 / House Bill 3082, Senate Bill 2129 / House Bill 2309, Senate Bill 2886 / House Bill 3225, Senate Bill 2438 / House Bill 2733, Senate Bill 3176 / House Bill 2334, Senate Bill 2066 / House Bill 2114, Senate Bill 2819 / House Bill 2663, and Senate Joint Resolution No. 701, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the department of finance and administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (recurring) to the department of finance and administration for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract



administered through the Tennessee department of health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Crumley House located in Washington County, to be used for the provision of programs and services on behalf of persons suffering from traumatic brain injuries.

Item 6. In addition to any other funds appropriated by the provision of this act, there is appropriated the sum of \$125,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Memphis Oral School for the Deaf, to be used for programs and operational expenses.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Health for the sole purpose of the vaccine billables project.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Administrative Office of the Courts for the sole purpose of making grants to legal aid programs in each grand division to be used for domestic violence prevention and services.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Department of Tourist Development for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$316,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

35% to Second Harvest Food Bank of Middle Tennessee;  
25% to Memphis Food Bank;

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20% to Second Harvest Food Bank of East Tennessee;  
10% to Chattanooga Area Food Bank;  
10% to Second Harvest Food Bank of Northeast Tennessee.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Economic and Community Development for the sole purpose of local planning transition grants. It is the intent of the General Assembly that each of the nine (9) development districts receive \$50,000.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$120,000 (recurring) to the Commission on Children and Youth for the sole purpose of making grants of \$15,000 each to seven (7) counties participating in the Court Appointed Special Advocates (CASA) program and to one (1) additional county seeking to participate in the program, bringing the total counties receiving state funds to forty-five (45).

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,681,500 (non-recurring) to the Department of Intellectual and Developmental Disabilities for the sole purpose of restoring funding for the Family Support Program that provides assistance to developmentally disabled individuals who do not qualify for intellectual disabilities services.

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee Bureau of Investigation (TBI) for the sole purpose of making grants to local governments in which Crime Stoppers operates. The TBI is authorized to award such grants upon application submitted by a local government as required by the TBI.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$180,000 (non-recurring) to the Department of Education for the sole purpose of grants-in-aid to science alliance museums.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Department of Education for the sole purpose of restoring funds for school internet connectivity.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of training and improving administrative practices for drug task forces.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$105,000 (non-recurring) to the Department of Education for the sole purpose of career and technical education programming implemented through the Tennessee Alliance of Boys & Girls Clubs.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of hosting the National Association of Prosecutor Coordinators (NAPC) conference in Nashville during December 2012.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$49,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the Secret Safe Place for Newborns, to be used for the purpose of informing the community of safe, secret options under the Safe Haven Law.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated an amount up to \$100,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of research and publication of up to one thousand two hundred (1,200) hardbound copies of the next volume of the Biographical Directory of the Tennessee General Assembly.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$206,300 (non-recurring) to the Department of Health, Bureau of Health Services, Community and Medical Services, for the sole purpose of restoring funding for the epilepsy program.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation, to be used for general operating costs to help prevent and resolve issues related to substance abuse.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance

and Administration for the sole purpose of making a grant in such amount to a Tennessee nonprofit fund supporting services to communities of greatest need to be used for enterprise development week youth economic summits in Nashville, Chattanooga and Memphis.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Bridge of Hope, to be used to provide human trafficking training programs to law enforcement officers.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.

Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the University of Tennessee System for the sole purpose of programs and services provided through the UT Law Enforcement Innovation Center.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee CASA, to be used for programs and services.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of making a grant in such amount to the Chickasaw Basin Authority.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$35,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of conducting an audit of war memorials to ensure that all appropriate individuals have been listed on such memorials. No later than December 1, 2012, the commission shall report to the members of the finance, ways and means committees of the senate and the house of representatives on the physical condition of the various memorials to identify substandard memorials. The commission shall develop a plan to remedy any problems discovered with such memorials.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Board of Regents, for the sole purpose of building out the space for the third floor of the new Allied Health and Technologies Building of the Roane State Community College, Oak Ridge campus. Such state funding is supplemental to institutional funding in the amount of \$1,300,000

to complete the third floor. It is intended that this state funding in support of the additional space will assist the school in meeting the demand for health science programs.

Item 39. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$600,000 (non-recurring) to the Tennessee Arts Commission for the sole purpose of making grants for musical heritage.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in non-urban counties, to be used for programs, services and operational expenses.

Item 41. To the University of Tennessee, \$5,000,000 is made available from National Academy-Level Faculty unobligated reserves for use toward the completion of the Joint Institute for Advanced Materials Science (JIAMS) research laboratory facility at Cherokee Farm. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it.

### **LANGUAGE AMENDMENTS**

#### **SECTION 75.**

Item 1. From the funds appropriated by this act, the department of finance and administration is directed to study the increasing prices of gasoline compared to the applicable rate of mileage reimbursement paid to state employees, excluding members of the general assembly, for using personally owned or leased vehicles in the course of official state business. The department shall propose recommendations arising from the study, including recommendations for increasing the rate of reimbursement when the average price of regular gas in this state exceeds four dollars (\$4.00) per gallon or a higher amount, as certified by the American Automobile Association's ("AAA") Daily Fuel Gauge Report. Such recommendations shall be reported to the chairs of the finance, ways and means committees of the senate and the house of representatives no later than December 1, 2012.

Item 2. Each state agency shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis when the agency applies for a federal grant of more than \$100,000.

Item 3. From the appropriations made in this act, the Department of Finance and Administration, Bureau of TennCare, is requested to examine the impact to the budget of moving the CoverKids program, Tennessee's Children's Health Insurance Program (CHIP), into the TennCare program. The Bureau of TennCare shall report no later than January 1, 2013 to the chairs of the finance, ways and means committees of the senate and the house of representatives on the budget impact.

Item 4. It is the legislative intent that in the fiscal year ending June 30, 2013 and in subsequent fiscal years, any required reversion to the general fund balance from any unexpended funds available to the Secretary of State, Division of Public Documents, be

reduced by a sum sufficient and transferred to the division for the sole purpose of funding any joint resolution, that becomes law, calling for an amendment to the Tennessee Constitution. It is the legislative intent that such funding be used to provide notice of any constitutional amendments proposed by the General Assembly.

Item 5. From the appropriations made in this act, the Administrative Office of the Courts is requested to conduct a statewide study of the assessment of all unpaid court fees, fines and costs compared to the actual collection of such fees, fines and costs. The study shall be limited to those assessments and collections made in the 2011-2012 fiscal year. The results of the study, including any recommended legislation, shall be reported to the chairs of the finance, ways and means committees, the judiciary committees of the senate and house of representatives, and the executive director of the fiscal review committee no later than January 1, 2013.

SECTION 76. The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there is hereby appropriated a sum sufficient for implementation of any legislation cited, or otherwise described by category, in this act that has an effective date prior to July 1, 2012.

#### **FACILITIES REVOLVING FUND (FRF)**

SECTION 77. It is the legislative intent to recognize revisions in the Facilities Revolving Fund (FRF) capital improvements and capital maintenance projects listed on pages A-170 and A-171 of the 2012-2013 budget document. The projects are funded by appropriations made in Section 1, Title III-29, Item 4, and in Section 4, Title III-26, Item 4, of this act and from residual bond reserves of the Facilities Revolving Fund.

Item 1. In addition to the projects identified in the 2012-2013 budget document, \$4,720,000 is provided from revenues of the Facilities Revolving Fund for Capital Maintenance – Management Support Services.

Item 2. In addition to the projects identified in the 2012-2013 budget document, \$3,900,000 is provided from residual bond reserves (\$3,100,000) of the Facilities Revolving Fund and Office of Information Resources revenues (\$800,000) for the OIR Data Center North Renovation.

Item 3. The Davy Crockett Building Renovations project in the amount of \$1,000,000, as identified in the 2012-2013 budget document is hereby increased by \$2,720,000 in state appropriations, and \$1,480,000 from revenues of the Facilities Revolving Fund.

Item 4. In addition to the projects identified in the 2012-2013 budget document, \$427,300 is provided from revenues of the Facilities Revolving Fund to address security upgrades of the Legislative Plaza.

Item 5. The Rachel Jackson Building Renovations project in the amount of \$2,200,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 6. The R.S. Gass Laboratory Interior Renovations project in the amount of \$2,450,000, as identified in the 2012-2013 budget document, is hereby reduced by \$1,800,000.

Item 7. The John Sevier Interior Renovation project in the amount of \$6,000,000 as identified in the 2012-2013 budget document, is hereby canceled.

Item 8. The Central Services Building Interior Renovation project in the amount of \$1,950,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 9. The TPS Hardison Complex Flooring Updates project in the amount of \$440,000, as identified in the 2012-2013 budget document, is hereby canceled.

### **PUBLIC DEFENDER OFFICES**

#### **SECTION 78. Public Defender Offices in Davidson and Shelby Counties.**

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The commissioner of finance and administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the speakers of the senate and house of representatives; the chairs of the finance, ways and means committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders"; the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying

the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 budget document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

### **HIGHER EDUCATION LOTTERY SCHOLARSHIPS**

AND FURTHER AMEND by adding the following language as new items to Section 52:

Item 6. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2687 / House Bill 3332, relative to a short form lottery scholarship application, if such bill becomes a law.

Item 7. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3599 / House Bill 3816, relative to lottery scholarships for home school students, if such bill becomes a law.

Item 8. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3170 / House Bill 3622, relative to the eligibility status of the Art Institute of Nashville, if such bill becomes a law.

### **MISCELLANEOUS**

AND FURTHER AMEND by adding the following paragraph to the end of Section 23, Item 3:

The Commissioner of Finance and Administration shall provide a written quarterly report to the director of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

AND FURTHER AMEND by adding the following sentence to the end of Section 63, Item 2:

It is the intent of the general assembly that such funds shall not be distributed by means of the higher education formula.

AND FURTHER AMEND by deleting the item within Section 29 which reads as follows:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified



system.

and by substituting instead the following language:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system. The Tennessee Board of Regents shall file a written report with the chairs of the Education Committees of the Senate and House of Representatives concerning the provisions of this item.

AND FURTHER AMEND by adding the following sentence to the end of the item within Section 41 which begins "Settlement and Judgment Awards and Similar Awards":

The Attorney General and Reporter shall file a written report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

and by substituting instead the following:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

**MONDAY, APRIL 30, 2012 – EIGHTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

AND FURTHER AMEND by deleting the language "\$107,100,000" from Section 43, Item 1 and by substituting instead the language "\$107,300,000".

AND FURTHER AMEND by deleting the item within Section 48 which reads as follows:

There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

(1) Insert between Sections 64 and 65 of the printed bill any new sections added to the bill so that Sections 65 through 69 of the printed bill will be the renumbered final sections of the engrossed bill;

(2) Delete the bold underlined explanatory headings in this amendment; and

(3) Exclude this paragraph from the engrossed bill.

/s/ Senator Randy McNally

/s/ Representative Charles Sargent

/s/ Senator Lowe Finney

/s/ Representative David Alexander

/s/ Senator Bill Ketron

/s/ Representative Craig Fitzhugh

/s/ Senator Jim Kyle

/s/ Representative Mike Harrison

/s/ Senator Mark Norris

/s/ Representative Gerald McCormick

/s/ Senator Bo Watson

Rep. Sargent moved that the Report of the Conference Committee on House Bill No. 3835 be adopted and made the action of the House.

Rep. McCormick moved the previous question, which motion failed by the following vote:

Ayes ..... 59

Noes..... 32

Representatives voting aye were: Alexander, Brooks H, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, McCormick, McDaniel, McManus, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 59

## MONDAY, APRIL 30, 2012 – EIGHTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting no were: Armstrong, Bass, Brown, Curtiss, DeBerry J, DeBerry L, Dunn, Favors, Fitzhugh, Gilmore, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle, Womick -- 32

After further discussion, Rep. Sargent moved that the Report of the Conference Committee on **House Bill No. 3835** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	64
Noes.....	28
Present and not voting.....	1

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 64

Representatives voting no were: Armstrong, Bass, Brown, Curtiss, DeBerry J, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Parkinson, Pitts, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Windle -- 28

Representatives present and not voting were: Pody -- 1

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Carr voted “aye” on the Conference Committee Report to **House Bill No. 3835**.

Without objection, the Speaker requested that the Journal reflect that Rep. Towns voted “no” on the Conference Committee Report to **House Bill No. 3835**.

**SPECIAL ORDER**

Without objection, Rep. McCormick moved the House take up the Message Calendar out of order at this time.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 991** -- Sheriffs - As introduced, increases specific fees authorized for sheriffs and constables. - Amends TCA Section 8-21-901. by \*Todd, \*Watson. (SB1804 by \*Tate, \*Marrero, \*Ford)

**Senate Amendment No. 2**

AMEND House Bill No. 991 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-21-901(a)(1)(A)(i), is amended by deleting the language "\$20.00" and substituting instead the language "\$26.00".

SECTION 2. Tennessee Code Annotated, Section 8-21-901(a)(1)(D), is amended by deleting the language "\$7.00" and substituting instead the language "\$9.00".

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Rep. Todd moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 991**, which motion prevailed by the following vote:

Ayes .....	73
Noes.....	17

Representatives voting aye were: Alexander, Bass, Brooks H, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 73

Representatives voting no were: Armstrong, Brown, Campbell, Elam, Favors, Fitzhugh, Hardaway, Harmon, McDonald, Miller D, Parkinson, Richardson, Sontany, Towns, Turner J, Turner M, Windle -- 17

A motion to reconsider was tabled.

### EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Rich

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “present and not voting” on **House Bill No. 991** and have this statement entered in the Journal: Rep(s). Powers.

### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2114** -- Education, Curriculum - As introduced, urges inclusion of study of Tennessee government at some appropriate grade level or levels in high school. - Amends TCA Title 49. by \*Brooks K, \*Hardaway. (SB2066 by \*Norris, \*Summerville, \*Kelsey, \*Crowe, \*Ketron)

#### Senate Amendment No. 1

AMEND House Bill No. 2114 by deleting all language after the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1028, is amended by deleting subsections (d) and (e) and by substituting instead the following:

(d)

(1) Beginning with the 2012-2013 school year, in conjunction with the social studies curriculum, all LEAs shall implement a project-based assessment in civics at least once in grades four through eight (4-8) and at least once in grades nine through twelve (9-12). The assessments shall be developed by the LEA and designed to measure the civics learning objectives contained in the social studies curriculum and to demonstrate understanding and relevance of public policy, the structure of federal, state and local governments and both the Tennessee and the United States constitutions.

(2) The department of education may seek the assistance of appropriate outside entities, including the Tennessee Center for Civic Learning and Engagement, to assist it with the implementation of any

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necessary professional development on the use of project-based assessments of civics learning.

(3) For the purposes of this section, the term “project-based” shall mean an approach that engages students in learning essential knowledge and skills through a student-influenced inquiry process structured around complex, authentic questions and carefully designed products and tasks.

(4) LEAs shall submit verification of implementation of this section to the department of education.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. K. Brooks moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2114**, which motion prevailed by the following vote:

Ayes .....	66
Noes.....	22
Present and not voting.....	1

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, Dennis, Dunn, Elam, Eldridge, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Odom, Pody, Powers, Ragan, Ramsey, Roach, Sanderson, Sexton, Shipley, Sparks, Swann, Tidwell, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 66

Representatives voting no were: Armstrong, Brown, DeBerry L, Favors, Fitzhugh, Gilmore, Harmon, Jones, McDonald, Miller L, Moore, Naifeh, Parkinson, Pitts, Shaw, Shepard, Sontany, Stewart, Towns, Turner J, Turner M, Windle -- 22

Representatives present and not voting were: Kernell -- 1

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Ramsey voted “aye” on **House Bill No. 2114**.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 2174** -- Election Laws - As introduced, allows persons age 60 and older to vote absentee upon request, instead of age 65 and older. - Amends TCA Section 2-6-201(5). by \*Maggart, \*Hurley, \*Hardaway. (\*SB2128 by \*Ketron, \*Tracy, \*Faulk, \*Yager)

**Senate Amendment No. 1**

AMEND House Bill No. 2174 by deleting Section 1 of the bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-6-201(5)(A), is amended by adding the following language at the end of the subdivision:

provided, however, that between the effective date of this act and July 1, 2017, a person sixty (60) years of age or older may vote absentee, when the person requests to vote absentee.

Rep. Maggart moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2174**, which motion prevailed by the following vote:

Ayes .....	74
Noes.....	16

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Niceley, Odom, Pitts, Pody, Powers, Ragan, Ramsey, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Tidwell, Todd, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 74

Representatives voting no were: Armstrong, Brown, DeBerry L, Favors, Fitzhugh, Harmon, McDonald, Moore, Naifeh, Parkinson, Shaw, Sontany, Stewart, Towns, Turner J, Windle -- 16

A motion to reconsider was tabled.

## HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2749** -- DUI Offenses - As introduced, requires judge to order use of functioning ignition interlock system if judge grants application for a restricted license following an implied consent violation for refusing to take alcohol test. - Amends TCA Title 55, Chapter 10, Part 4. by \*Shipley, \*Maggart, \*Gotto, \*Hurley, \*Faison, \*Hardaway, \*Dean. (SB2913 by \*Overbey, \*Bell, \*Burks)

### Senate Amendment No. 2

AMEND House Bill No. 2749 by deleting the directory language of SECTION 1 and by substituting instead the following:

Tennessee Code Annotated, Section 55-10-406(c), is amended by adding the following language, to be designated as a new subdivision (3):

Rep. Shipley moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2749**, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Haynes -- 1

A motion to reconsider was tabled.

## HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2774** -- Criminal Procedure - As introduced, increases expunction fee following the successful completion of diversion programs. - Amends TCA Title 38, Chapter 6; Title 40, Chapter 32 and Title 40, Chapter 35. by \*Watson, \*Brooks K, \*Roach, \*Ford, \*Matlock, \*Brooks H, \*Matheny, \*Dean, \*Eldridge, \*McDonald, \*Naifeh, \*DeBerry L, \*Shipley. (SB2780 by \*McNally)



Rep. Watson moved that House Bill No. 2774 be reset for the Message Calendar on May 1, 2012, which motion prevailed.

**MOTION TO RECONSIDER**

**Senate Bill No. 2816** --Hospitals and Health Care Facilities - As introduced, enacts the "Community-Based TBI Adult Care Home Act of 2012" for the regulation of certain traumatic brain injury care homes. - Amends TCA Title 68, Chapter 11. by \*Tracy, \*Ketron. (\*HB 2928 by \*McDonald, \*Maggart, \*Shipley, \*Evans, \*Brown, \*Moore, \*Cobb, \*Windle, \*Ford, \*Hardaway)

Rep. McDonald moved to lift from the table the motion to reconsider action in passing Senate Bill No. 2816, which motion prevailed.

Rep. McDonald moved to reconsider action in passing Senate Bill No. 2816, which motion prevailed.

Rep. McDonald moved that Senate Bill No. 2816, as amended, be passed on third and final consideration.

Rep. Casada moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

Rep. Casada moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Casada moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Rep. Casada moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. McDonald moved that **Senate Bill No. 2816** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

**BILL RETURNED**

Rep. Dennis moved that House Bill No. 3459 be returned to the Senate, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2982** -- Judgments - As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. - Amends TCA Title 47. by \*Dennis, \*Hardaway. (\*SB2705 by \*Kelsey)

**Senate Amendment No. 2**

AMEND House Bill No. 2982 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-14-121, is amended by deleting the section in its entirety and by substituting instead the following:

47-14-121.

(a) Except as set forth in subsections (c) and (e), interest on judgments and decrees entered by any court, except general sessions courts and municipal courts, per annum, shall:

(1) For any judgment entered between July 1 and December 31, be equal to two percent (2%) less than the formula rate per annum published by the commissioner of financial institutions, as required by § 47-14-105, for June of the same year; or

(2) For any judgment entered between January 1 and June 30, be equal to two percent (2%) less than the formula rate per annum published by the commissioner of financial institutions, as required by § 47-14-105, for December of the prior year.

(b) To assist parties and the courts in determining and applying the interest rate on judgments set forth in subsection (a) for the six-month period in which a judgment is entered, before or at the beginning of each six-month period the administrative office of the courts:

(1) Shall calculate the interest rate on judgments that shall apply for the new six-month period pursuant to subsection (a);

(2) Shall publish that rate on the administrative office of the courts' website; and

(3) Shall maintain and publish on that website the judgment interest rates for each prior six-month period going back to the rate in effect for the six-month period beginning July 1, 2012.

(c) Notwithstanding subsection (a) or (b), where a judgment is based on a statute, note, contract, or other writing that fixes a rate of interest within the limits provided in § 47-14-103 for particular categories of creditors, lenders or transactions, the judgment shall bear interest at the rate so fixed.

(d) The party seeking interest on a judgment shall propose to the opposing party and court the applicable rate of interest. If the parties agree that the rate as proposed is correct, the court shall apply the proposed rate. If a dispute exists as to the applicable rate, the court shall determine and order the applicable rate.

(e) Interest on judgments, including decrees, entered by general sessions courts and municipal courts, shall be computed at the effective rate of ten percent (10%) per annum, except as may be otherwise provided or permitted by statute. However, where a judgment is based on a note, contract, or other writing fixing a rate of interest within the limits provided in § 47-14-103 for particular categories of creditors, lenders, or transactions, the judgment shall bear interest at the rate so fixed.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it and shall apply to all judgments entered on or after the effective date.

Rep. Dennis moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 2982**, which motion prevailed.

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 3604** -- Taxes, Litigation - As introduced, imposes additional \$2.00 litigation tax on criminal charges instituted in general sessions court; creates judicial commissioner continuing education account; subject to appropriation, authorizes moneys in fund to be utilized for development and presentation of continuing education programs. - Amends TCA Section 40-1-111 and Title 67, Chapter 4, Part 6. by \*Sargent. (\*SB3314 by \*Johnson)

#### **Senate Amendment No. 1**

AMEND House Bill No. 3604 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-1-111(f), is amended by adding the following language as new subdivision:

(7) Subject to appropriation, funds from the judicial commissioner continuing education account, created in § 67-4-602(k), shall be used by the judicial commissioners association of Tennessee for the development and presentation of continuing education programs, courses and conferences for judicial commissioners in this state.

SECTION 2. Tennessee Code Annotated, Section 67-4-602, is amended by deleting subsection (k) and by substituting instead the following:

5826

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

(k)

(1) In addition to any other tax imposed by this chapter, there is levied a privilege tax on litigation of two dollars (\$2.00) on all criminal charges, upon conviction or by order, instituted in the general sessions court of any county served by a judicial commissioner.

(2)

(A) There is created a special account in the state treasury to be known as the judicial commissioner continuing education account, referred to as the judicial commissioner fund in this subsection (k).

(B) Notwithstanding the apportionment of revenue formula in § 67-4-606, there shall be deposited in the judicial commissioner fund proceeds from the two-dollar privilege tax on litigation imposed by subdivision (k)(1).

(3) Moneys in the judicial commissioner fund may be invested by the state treasurer in accordance with § 9-4-603.

(4) Notwithstanding any law to the contrary, interest accruing on investments and deposits of the judicial commissioner fund shall be credited to the fund, shall not revert to the general fund and shall be carried forward into the subsequent fiscal year.

(5) Any balance remaining unexpended at the end of a fiscal year in the judicial commissioner fund shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

(6) Moneys in the judicial commissioner fund may be expended only in accordance with annual appropriations approved by the general assembly for the purposes described in § 40-1-111(f)(7).

(l) Every person from whom the clerks of the various courts are required to collect the tax imposed by this section shall be liable for the tax imposed by this section.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

### **Senate Amendment No. 2**

AMEND House Bill No. 3604 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not apply in counties having a population of not less than 66,200 nor more than 66,300 according to the 2010 federal census or any subsequent federal census.

Rep. Sargent moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 3604**, which motion prevailed by the following vote:

Ayes .....	79
Noes.....	6
Present and not voting.....	4

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Niceley, Odom, Parkinson, Pitts, Pruitt, Ragan, Ramsey, Richardson, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell – 79

Representatives voting no were: Alexander, Evans, Harmon, Hensley, Williams K, Windle – 6

Representatives present and not voting were: Butt, Pody, Powers, Todd – 4

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on the motion to concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 3604** and have this statement entered in the Journal: Rep(s). Holt.

### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 3673** -- Victims' Rights - As introduced, increases from \$1.00 to \$4.00, effective July 1, 2012, the litigation tax collected for deposit in the statewide automated victim information and notification system fund. - Amends TCA Title 40, Chapter 38 and Title 67, Chapter 4, Part 6. by \*Matheny, \*Dean. (\*SB2711 by \*Ketron, \*McNally, \*Burks, \*Marrero, \*Stewart)

#### Senate Amendment No. 1

AMEND House Bill No. 3673 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-602, is amended by adding the following to the end of subdivision (h)(1):

Effective July 1, 2012, the privilege tax on litigation imposed by this subdivision (h)(1) is increased in the amount of two dollars (\$2.00), for a total of three dollars (\$3.00), which shall be deposited to the statewide automated victim information and notification system fund created by this subdivision (h)(2).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Matheny moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3673**, which motion prevailed by the following vote:

Ayes ..... 78  
Noes..... 8

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 78

Representatives voting no were: Alexander, Campbell, Elam, Evans, Hall, Hensley, Williams K, Windle -- 8

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on **House Bill No. 2749** and have this statement entered in the Journal: Rep(s). Haynes.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 3673** and have this statement entered in the Journal: Rep(s). Holt.

#### SPECIAL ORDER

Without objection, Rep. McCormick moved the House take up the Consent Calendar No. 2 out of order at this time.

**CONSENT CALENDAR NO. 2**

**\*House Joint Resolution No. 870** -- General Assembly, Statement of Intent or Position - Expresses desire of general assembly to see monument honoring David Crockett erected at prominent location on grounds of state capitol. by \*Kernell, \*Hawk.

**House Bill No. 3884** -- Shelby County - As introduced, subject to local approval by both the City of Memphis and Shelby County, changes the name of the Memphis and Shelby County Convention Center to the "Memphis Convention Center," changes the name of the commission to the "Memphis Convention Center Commission" and provides for the appointment of the commissioners solely by the Mayor of the City of Memphis. - Amends Chapter 420 of the Private Acts of 1917. by \*Camper, \*Coley, \*Todd, \*Parkinson, \*Miller L, \*Turner J, \*McManus, \*Richardson, \*Lollar, \*White, \*DeBerry L, \*Hardaway, \*DeBerry J, \*Kernell.

**\*House Joint Resolution No. 947** -- Naming and Designating - "National Peace Officers' Memorial Day," May 15, 2012, and "National Police Week," May 13-19, 2012. by \*Carr, \*Womick, \*Sparks, \*Marsh.

**House Bill No. 3885** -- Clarksville - As introduced, subject to local approval, rewrites the charter. - Amends Chapter 252 of the Private Acts of 1929; as amended. by \*Pitts, \*Johnson C, \*Johnson P.

On motion, House Bill No. 3885 was made to conform with **Senate Bill No. 3815**; the Senate Bill was substituted for the House Bill.

**House Bill No. 3886** -- Lake County - As introduced, subject to local approval, restructures Lake County highway commission by increasing the number of highway commission districts from two to three, to be coextensive with the county commission districts. - Amends Chapter 262 of the Private Acts of 1980, as amended. by \*Sanderson.

**House Bill No. 3887** -- Lake County - As introduced, subject to local approval, reduces number of school districts from four to three; increases Lake County board of education from eight members to nine members. - Amends Chapter 119 of the Private Acts of 2002. by \*Sanderson.

**\*House Joint Resolution No. 960** -- Memorials, Recognition - Women's Heart Health Initiative. by \*Favors, \*Armstrong, \*DeBerry L, \*Camper, \*Richardson, \*Pruitt, \*Turner J, \*Cooper B, \*Sontany, \*Jones, \*Brown.

**\*House Joint Resolution No. 965** -- Naming and Designating - Designates May as "Lupus Awareness Month" and May 10, 2012, as "World Lupus Day in Tennessee." by \*Sargent, \*Haynes.

**\*House Joint Resolution No. 980** -- Highway Signs - "Scott James Brown Memorial Bridge," S.R. 62 in Morgan County. by \*Windle.

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**\*House Joint Resolution No. 1001** -- Highway Signs - "William "Bill" Ferguson Bridge," U.S. 70 over Clinch River in Roane County. by \*Hurley.

**\*House Joint Resolution No. 1017** -- Highway Signs - "John Roberts Parkway," extension of S.R. 84 in Livingston. by \*Windle.

**\*House Joint Resolution No. 1109** -- Highway Signs - "Dale Fisher Memorial Highway," segment of S.R. 57 in McNairy County. by \*Dennis.

**\*House Joint Resolution No. 810** -- Highway Signs - "Chief J.A. 'Tony' Pace Memorial Bridge," Bridge on Highway 57, west of Moscow, Tennessee, over the Wolf River. by \*Rich, \*Harrison, \*McDaniel, \*Campbell, \*Roach.

**\*House Joint Resolution No. 1055** -- Highway Signs - "Lt. Everette B. Crumpler III Memorial Highway," segment of Highway 104 in Gibson County. by \*Halford, \*Campbell.

**House Resolution No. 305** -- Memorials, Recognition - Mary Alice Johnson Gandy. by \*Miller L.

**House Resolution No. 306** -- Memorials, Personal Achievement - Kevin Jones, Eagle Scout. by \*Brooks K.

**House Resolution No. 307** -- Memorials, Death - Lillian Marie Johnson Loggins. by \*Turner J.

**House Joint Resolution No. 1156** -- Memorials, Personal Occasion - Rebecca Evans Johnson, 80th birthday. by \*Swann.

**House Joint Resolution No. 1157** -- Memorials, Professional Achievement - Dale Keasling, Junior Achievement of East Tennessee Business Hall of Fame. by \*Matlock.

**House Joint Resolution No. 1158** -- Memorials, Death - Mary Alice Johnson Gandy. by \*Miller L.

**House Joint Resolution No. 1159** -- Memorials, Recognition - Kimberlee Morton. by \*Parkinson.

**House Joint Resolution No. 1160** -- Memorials, Academic Achievement - Tojuan Reed. by \*Parkinson.

**House Joint Resolution No. 1161** -- Memorials, Retirement - Colonel Bishop Mays. by \*Parkinson.

**House Joint Resolution No. 1162** -- Memorials, Personal Achievement - Kevin Jones, Eagle Scout. by \*Brooks K.

**House Joint Resolution No. 1163** -- Memorials, Recognition - LeMoyne-Owen College Sesquicentennial. by \*Turner J.

**House Joint Resolution No. 1164** -- Memorials, Retirement - Norma A. Mathis. by \*Windle.



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**House Joint Resolution No. 1165** -- Memorials, Academic Achievement - Taylor Morgan Thomas, Salutatorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1166** -- Memorials, Academic Achievement - Kristen Mikayla Ray, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1167** -- Memorials, Academic Achievement - James W. Kemp, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1168** -- Memorials, Academic Achievement - Michaela Marie Briley, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1169** -- Memorials, Academic Achievement - Hannah Ruth Borders, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1170** -- Memorials, Academic Achievement - Kelsey Gregory, Valedictorian, Westmoreland High School. by \*McDonald.

**House Joint Resolution No. 1171** -- Memorials, Academic Achievement - Kierra R. Jamerson, Valedictorian, East High School. by \*Hardaway.

**House Joint Resolution No. 1172** -- Memorials, Academic Achievement - Kedarius A. Austin, Salutatorian, East High School. by \*Hardaway.

**House Joint Resolution No. 1173** -- Memorials, Academic Achievement - Bianca Denise Fair, Salutatorian, Hamilton High School. by \*DeBerry L.

**House Joint Resolution No. 1174** -- Memorials, Academic Achievement - Darwin Dauine Denton, Valedictorian, Hamilton High School. by \*DeBerry L.

**House Joint Resolution No. 1175** -- Memorials, Academic Achievement - Rikee Rehsha McGrone, Salutatorian, Memphis Academy of Health Sciences. by \*Hardaway.

**House Joint Resolution No. 1176** -- Memorials, Academic Achievement - Chrishunna Janese Coleman, Valedictorian, Memphis Academy of Health Sciences. by \*Hardaway.

**House Joint Resolution No. 1179** -- Memorials, Personal Occasion - Gary and Libbie Suter, 50th wedding anniversary. by \*Evans.

**House Joint Resolution No. 1180** -- Memorials, Personal Occasion - Frances Juanita Potter Rueta, 80th birthday. by \*Hill.

**House Joint Resolution No. 1181** -- Memorials, Recognition - Bancroft Bible Camp, 75th anniversary. by \*Hill.

Rep. L. Miller moved that all members voting aye on House Joint Resolution No. 1158 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

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Rep. Kernell moved that all members voting aye on House Joint Resolution No. 870 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Rep. Parkinson moved that all members voting aye on House Joint Resolution No. 1159 be added as co-prime sponsors, with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Rep. Parkinson moved that all members voting aye on House Joint Resolution No. 1160 be added as co-prime sponsors, with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Rep. Parkinson moved that all members voting aye on House Joint Resolution No. 1161 be added as co-prime sponsors, with the Shelby County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Rep. J. Turner moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1163, which motion prevailed.

Rep. Womick moved that Rep. Dean be added as co-prime sponsor on House Joint Resolution No. 947, which motion prevailed.

Rep. Hardaway moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1171, which motion prevailed.

Rep. Hardaway moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1172, which motion prevailed.

Rep. Hardaway moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1173, which motion prevailed.

Rep. Hardaway moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1174, which motion prevailed.

Rep. Hardaway moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1175, which motion prevailed.

Rep. Hardaway moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1176, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all

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Senate Joint Resolutions on the Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 1178 out of order, which motion prevailed.

**House Joint Resolution No. 1178** -- Memorials, Public Service - St. Jude Children's Research Hospital, 50th anniversary. by \*Naifeh, \*DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Naifeh, with the request that all members voting aye be added as co-prime sponsors, the resolution was adopted with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 1177 out of order, which motion prevailed.

**House Joint Resolution No. 1177** -- Memorials, Public Service - Reta Adams. by \*Naifeh, \*DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Naifeh, with the request that all members voting aye be added as co-prime sponsors, the resolution was adopted by the following vote with the following members

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not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

### SPECIAL ORDER

Without objection, Rep. McCormick moved the House take up the Regular Calendar out of order at this time.

### REGULAR CALENDAR

**House Bill No. 3671** -- Public Funds and Financing - As introduced, requires commutation of compensation for exonerated persons to lump sum upon request. - Amends TCA Title 9, Chapter 8, Part 1. by \*Turner J, \*Ramsey, \*Pruitt, \*Sontany, \*Coley, \*Camper, \*Cooper B, \*DeBerry L, \*Richardson, \*Tindell, \*Stewart, \*Pitts, \*Kernell, \*Hardaway, \*Favors, \*Gilmore, \*Parkinson. (\*SB3142 by \*Marrero, \*Ford)

Further consideration of House Bill No. 3671 previously considered on April 18, 2012, April 19, 2012 and April 24, 2012, at which time it was reset for today's Regular Calendar.

Rep. J. Turner moved that House Bill No. 3671 be passed on third and final consideration.

Rep. J. Turner moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. J. Turner moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. J. Turner moved adoption of Amendment No. 3 as follows:

#### Amendment No. 3

AMEND House Bill No. 3671 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 9-8-108(a)(7), is amended by deleting subdivision (B) in its entirety and by substituting instead the following language:

(B) Any amount awarded shall be payable in equal monthly installments until paid in full, unless the person dies prior to receipt of the full amount. The amount of the monthly installments payable under this subdivision (a)(7) shall be calculated by dividing the non-commuted amount, determined pursuant to subdivision (a)(7)(D), by the estimated number of months the claimant will live based upon the claimant's life expectancy at the time of the award as determined from the mortality tables last adopted by the board of trustees of the Tennessee consolidated retirement system pursuant to § 8-34-503, or based on such shorter period of time as the board, in its discretion, determines appropriate;

SECTION 2. Tennessee Code Annotated, Section 9-8-108(a)(7), is further amended by adding the following new subdivision at the end thereof:

(H) Any claimant awarded compensation pursuant to this subdivision (a)(7) that did not involve the funding of an annuity contract pursuant to subdivision (a)(7)(E) may, after three (3) years from the initial award and once every three-year period thereafter, file a petition with the board requesting the board to:

(i) Reconsider the period of time over which the monthly installments shall be paid;

(ii) Commute to a lump sum payment all or a portion of the compensation left remaining to be paid monthly under subdivision (a)(7)(B); or

(iii) Both subdivisions (i) and (ii).

In determining whether to grant all or any portion of the claimant's request, the board shall consider whether there exists special needs warranting the request, whether the granting of the request will be in the best interest of the claimant and, if the request involves a commutation to a lump sum, whether the claimant has the ability to wisely manage and control the commuted amount irrespective of whether there exists special needs. The claimant has the burden of proving that the request is warranted.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. J. Turner moved that **House Bill No. 3671**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes ..... 80  
Noes..... 8  
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brown, Campbell, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pruitt, Ragan, Richardson, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, White, Williams K, Williams R, Windle, Wirgau, Womick -- 80

Representatives voting no were: Butt, Evans, Floyd, Holt, Hurley, Pody, Powers, Weaver -- 8

Representatives present and not voting were: Bass -- 1

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **House Bill No. 3671** and have this statement entered in the Journal: Rep(s). Ramsey.

**REGULAR CALENDAR, CONTINUED**

**\*House Resolution No. 233** -- Highway Signs - Designates "Bill Harmon Esplanade" in Nashville. by \*Johnson P.

Further consideration of House Resolution No. 233 previously considered on April 25, 2012, at which time it was reset for today's Regular Calendar.

Rep. P. Johnson requested that House Resolution No. 233 be moved to the heel of the Calendar.

**Senate Bill No. 3092** -- Criminal Offenses - As introduced, prohibits business owners from knowingly permitting minors to engage in sexual activity on the premises of the business. - Amends TCA Title 39; Title 40; Title 67; Title 68 and Title 71. by \*Herron. (\*HB2221 by \*Parkinson, \*Hardaway, \*White)

Further consideration of Senate Bill No. 3092 previously considered on April 27, 2012, at which time the House substituted the Senate Bill for the House Bill, withdrew Amendment(s) No(s). 1 and 2 and it was reset for today's Regular Calendar.

Rep. Parkinson moved that Senate Bill No. 3092 be passed on third and final consideration.

Rep. Dennis moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 3092 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 9, is amended by adding the following as a new section:

39-17-9\_\_.

(a) It is an offense for a person eighteen (18) years of age or older to knowingly promote or organize a gathering of two or more minors in a public place, as defined in § 39-13-511, with the intent to provide a location for said minors to engage in public indecency as defined in § 39-13-511.

(b) A violation of subsection (a), is a Class A misdemeanor.

(c) Any personal property used in the commission of a violation of this section is, upon conviction, subject to judicial forfeiture as provided in title 39, chapter 11, part 7.

(d) Nothing in this section shall deprive a court of any authority to suspend or cancel a license, declare the establishment a nuisance or impose costs and other monetary obligations if specifically authorized by law.

(e) For purposes of this section "public area on the property of that business or retail establishment" means a public place as defined in § 39-13-511.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Parkinson moved that **Senate Bill No. 3092**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Roach, Sanderson, Sexton, Shaw,

Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

### **REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **House Joint Resolution No. 1177** and have this statement entered in the Journal: Rep(s). Moore.

### **REGULAR CALENDAR, CONTINUED**

**Senate Bill No. 1688** -- Schools, Charter - As introduced, requires public charter school's annual renewal application to include the number of students who attended the school in the most recently completed academic year and the schools that those students attended prior to enrolling at the charter school. - Amends TCA Title 49. by \*Faulk, \*McNally, \*Overbey. (\*HB1970 by \*Swann, \*Hardaway)

Further consideration of Senate Bill No. 1688 previously considered on April 12, 2012, April 23, 2012, April 24, 2012, April 25, 2012, April 26, 2012 and April 27, 2012, at which time the House substituted the Senate Bill for the House Bill, withdrew Amendment(s) No(s). 1, 2, 3 and 4 and it was reset for today's Regular Calendar.

Rep. Swann moved that Senate Bill No. 1688 be passed on third and final consideration.

Rep. M. Turner moved adoption of Amendment No. 5 as follows:

#### **Amendment No. 5**

AMEND Senate Bill No. 1688 By deleting the words "or statute" and the words "or statutory" in the amendatory language of subdivision (2)(A) of Section 1.

AND FURTHER AMEND by deleting subdivision (2)(B) of Section 1 in its entirety.

Rep. Swann moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes .....	51
Noes .....	41

Representatives voting aye were: Brooks H, Brooks K, Butt, Carr, Cobb, Coley, Dean, Dennis, Dunn, Eldridge, Evans, Floyd, Ford, Forgety, Gotto, Halford, Harrison, Hawk, Haynes, Holt, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Powers, Ragan, Ramsey, Roach, Sanderson,

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Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 51

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Casada, Curtiss, DeBerry J, DeBerry L, Elam, Favors, Fitzhugh, Gilmore, Hall, Hardaway, Harmon, Hensley, Hill, Hurley, Kernell, Matheny, McDonald, Miller L, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Williams K, Windle -- 41

Rep. M. Turner moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 1688 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 49-13-105(b), is amended by deleting the words "or statute" and the words "or statutory".

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 49-15-106(g), is amended by deleting the words "law or" and the words "or statutory".

Rep. Swann moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes .....	49
Noes .....	42

Representatives voting aye were: Brooks K, Butt, Carr, Cobb, Dean, Dennis, Eldridge, Evans, Floyd, Forgety, Gotto, Halford, Harrison, Hawk, Haynes, Hensley, Holt, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Powers, Ragan, Ramsey, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 49

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Campbell, Casada, Coley, Curtiss, DeBerry J, DeBerry L, Elam, Favors, Fitzhugh, Gilmore, Hall, Hardaway, Harmon, Hill, Hurley, Jones, Kernell, Matheny, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pody, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Williams K, Windle -- 42

Rep. Swann requested that Amendment No. 7 be moved to the heel.

Rep. Swann requested that Amendment No. 8 be moved to the heel.

Rep. H. Brooks moved adoption of Amendment No. 10 as follows:

**Amendment No. 10**

AMEND Senate Bill No. 1688 by deleting all language after the enacting clause and by substituting instead the following:

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 13, is amended by adding the following language as a new, appropriately designated section:

49-13-1\_\_\_. Notwithstanding the provisions of § 49-13-104(7) to the contrary, an LEA may be the sponsor of a charter school. If an LEA seeks to sponsor a charter school, then the state board of education shall serve as the chartering authority.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 10 was adopted.

Rep. Swann moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Swann moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Swann moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Dean moved the previous question, which motion prevailed.

Rep. Swann moved that **Senate Bill No. 1688**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	77
Noes.....	9
Present and not voting.....	4

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Halford, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 77

Representatives voting no were: Dunn, Hurley, McDonald, Richardson, Stewart, Towns, Turner J, Turner M, Windle -- 9

Representatives present and not voting were: Armstrong, Brown, Gotto, Watson -- 4

A motion to reconsider was tabled.

**House Bill No. 3157** -- Insurance, Health, Accident - As introduced, states that coverage made available in plans under the Memphis Plan Act of 1991 shall constitute minimum essential health coverage for purposes of compliance with certain federal minimum coverage requirements. - Amends TCA Title 56, Chapter 7. by \*DeBerry J, \*Hardaway. (\*SB2943 by \*Norris)

Further consideration of House Bill No. 3157 previously considered on April 25, 2012, and April 27, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3157 was made to conform with **Senate Bill No. 2943**; the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that Senate Bill No. 2943 be passed on third and final consideration.

Rep. McManus moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2943 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated Title 56, Chapter 7, Part 20, is amended by adding the following language as a new, appropriately designated section:

**56-7-2004.** Coverage made available under the plan shall constitute minimum essential health coverage for purposes of compliance with 26 U.S.C. § 5000A.

SECTION 2. Tennessee Code Annotated Title 56, Chapter 7, Part 20, is amended by adding the following language as a new, appropriately designated section:

**56-7-2005.** Operation consistent with the standards described in § 56-7-2003 shall create a presumption that the operating entity satisfies the requirements of 26 USC § 5000A(d)(2)(B)(ii).

SECTION 3. This bill shall take effect on July 1, 2012, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. J. DeBerry moved that **Senate Bill No. 2943**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Favors; personal

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 2943** and have this statement entered in the Journal: Rep(s). J. DeBerry.

**REGULAR CALENDAR, CONTINUED**

**Senate Bill No. 3647** -- Conservation - As introduced, decreases time county conservation board must organize from 30 days after appointment to 20 days after appointment; allows board to send report of transactions and operations to commissioner electronically. - Amends TCA Title 11 and Title 67. by \*Southerland, \*Ramsey, \*Ketron, \*Marrero. (\*HB3111 by \*Campbell)

Further consideration of Senate Bill No. 3647 previously considered on April 26, 2012, at which time the House substituted the Senate Bill for the House Bill, adopted Amendment(s) No(s). 1 and it was reset for today's Regular Calendar.

Rep. Campbell requested that Senate Bill No. 3647 be moved down 15 places on the Calendar.

**\*House Bill No. 3576** -- Education, Higher - As introduced, prohibits certain colleges and universities in this state from denying recognition, privileges or benefits to a student organization or group on the basis of religious content of the organization's or group's speech or the manner in which the organization or group determines its organizational affairs. - Amends TCA Title 49. by \*Pody, \*Powers, \*Miller D, \*Floyd. (SB3597 by \*Beavers, \*Gresham, \*Roberts, \*Bell)

Further consideration of House Bill No. 3576 previously considered on April 26, 2012, and April 27, 2012, at which time the House adopted Amendment(s) No(s). 1 and it was reset for today's Regular Calendar.

On motion, House Bill No. 3576 was made to conform with **Senate Bill No. 3597**; the Senate Bill was substituted for the House Bill.

Rep. Pody moved that Senate Bill No. 3597, as amended, be passed on third and final consideration.

Rep. Dunn moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Pody moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Powers moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. M. Turner moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Hardaway moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Hardaway moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Fitzhugh moved adoption of Amendment No. 8 as follows:

#### **Amendment No. 8**

AMEND Senate Bill No. 3597 By deleting subsection (d) of Section 1 in its entirety and by substituting instead the following:

(d) Higher education institutions governed by chapter 8 or 9 of this title are specifically excluded from the provisions of this section.

Rep. Pody moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes .....	62
Noes.....	25

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McManus, Miller D, Niceley, Pody, Powers, Ragan, Ramsey, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick -- 62

Representatives voting no were: Armstrong, Brown, DeBerry L, Fitzhugh, Gilmore, Hardaway, Harmon, Jones, Kernell, McDonald, Miller L, Montgomery, Naifeh, Odom, Parkinson, Pitts, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M -- 25

#### **JOURNAL CORRECTION**

Without objection, the Speaker requested that the Journal reflect that Rep. Towns voted "no" on the tabling motion on Amendment No. 8 to **Senate Bill No. 3597**.

#### **REGULAR CALENDAR, CONTINUED**

Rep. Dean moved the previous question, which motion prevailed.

Rep. Pody moved that **Senate Bill No. 3597** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes ..... 61  
Noes..... 22  
Present and not voting..... 1

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Gotto, Halford, Hall, Hawk, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Rich, Roach, Sanderson, Sexton, Shepard, Shipley, Sparks, Swann, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 61

Representatives voting no were: Armstrong, Brown, DeBerry L, Fitzhugh, Gilmore, Harmon, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Richardson, Sontany, Stewart, Todd, Towns, Turner J, Turner M -- 22

Representatives present and not voting were: McDaniel -- 1

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 3597** and have this statement entered in the Journal: Rep(s). Forgety.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “no” on **Senate Bill No. 3597** and have this statement entered in the Journal: Rep(s). Hardaway and Tidwell.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “present and not voting” on **Senate Bill No. 3597** and have this statement entered in the Journal: Rep(s). Ramsey.

### REGULAR CALENDAR, CONTINUED

**\*Senate Joint Resolution No. 222** -- Constitutional Amendments - Proposes an amendment to Article XI, Section 5 of the Constitution of the State of Tennessee concerning charitable lotteries to include certain veterans' organizations. by \*Crowe, \*Faulk, \*Gresham, \*Overbey, \*Ford.

Senate Joint Resolution No. 222 was previously considered on April 27, 2012 and April 29, 2012, for the first two Constitutional readings.

Rep. Curtiss requested that the Clerk read Senate Joint Resolution No. 222 for the third and final Constitutional reading, as prescribed by the Constitution of the State of Tennessee.

The Clerk read Senate Joint Resolution No. 222.

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Rep. Curtiss moved that the House concur in **Senate Joint Resolution No. 222**, which motion prevailed by the following vote:

Ayes .....	91
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives present and not voting were: Evans, Holt -- 2

Senate Joint Resolution No. 222, having been read three separate times on three separate days, received a vote in the affirmative by a majority of the members elected to the Tennessee House of Representatives of the One Hundred Seventh General Assembly and was declared concurred in pursuant to Article 11, Section 3 of the Constitution of the State of Tennessee.

A motion to reconsider was tabled.

**\*House Bill No. 1788** -- Capitol - As introduced, creates David Crockett commission to oversee erection of monument or statue honoring David Crockett. by \*Kernell, \*Hawk. (SB1504 by \*Southerland, \*Overbey)

Rep. Kernell requested that House Bill No. 1788 be moved to the heel of the Calendar.

**RECESS MOTION**

Rep. Moore moved that the House stand in recess until 9:00 a.m., Tuesday, May 1, 2012, which motion failed by the following vote:

Ayes .....	29
Noes.....	55
Present and not voting.....	1

Representatives voting aye were: Bass, Brown, Curtiss, Fitzhugh, Floyd, Gilmore, Hardaway, Harmon, Keisling, McDonald, Miller L, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pruitt, Ragan, Richardson, Roach, Shaw, Shipley, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M -- 29

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Representatives voting no were: Alexander, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Pody, Powers, Rich, Sargent, Shepard, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 55

Representatives present and not voting were: Kernell -- 1

### REGULAR CALENDAR, CONTINUED

**\*Senate Bill No. 3145** -- Hospitals and Health Care Facilities - As introduced, provides that reporting of injury other than those caused by deadly weapon upon a domestic violence or sexual assault on adult who does not wish to give consent to send identifying information to law enforcement to be filled out on forms that provide location and injury information but not name and address of victim. - Amends TCA Title 36 and Title 38. by \*Burks, \*Marrero, \*Kyle. (HB3579 by \*Jones S, \*Richardson, \*DeBerry J, \*Coley, \*Shipley, \*Odom, \*Turner M, \*Dennis, \*Gilmore, \*Camper)

Further consideration of Senate Bill No. 3145 previously considered on April 23, 2012, and April 27, 2012, at which time the House substituted the Senate Bill for the House Bill, adopted Amendment(s) No(s). 1 and 2 and it was reset for today's Regular Calendar.

Rep. S. Jones moved that Senate Bill No. 3145, as amended, be passed on third and final consideration.

Rep. S. Jones moved adoption of Amendment No. 3 as follows:

#### Amendment No. 3

AMEND Senate Bill No. 3145 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-1-101, is amended by adding the following new subsection (d):

(d)

(1) The reporting provisions in subsection (a) do not apply if the person seeking or receiving treatment:

(A) Is 18 years of age or older;

(B) Objects to the release of any identifying information to law enforcement officials; and

(C) Is a victim of a sexual assault offense or domestic abuse as defined in § 36-3-601.



(2) This exception shall not apply and the injuries shall be reported as provided in subsection (a) if the injuries incurred by the sexual assault or domestic abuse victim are considered by the treating health care professional to be life threatening, or the victim is being treated for injuries inflicted by strangulation, a knife, pistol, gun, or other deadly weapon.

(3) A hospital, healthcare provider or other person who is required to report under subsection (a) shall be immune from civil liability for not reporting if in good faith the hospital, healthcare provider or other person does not report the injury in order to comply with this subsection.

(4) If a person injured as provided in subsection (a) is first treated by an EMT, EMT-P, emergency medical or rescue worker, firefighter or other first responder, it shall not be the duty of the first responder to determine if the patient comes within the provisions of subdivision (b)(1). If the first responder transports the patient to a health care facility, the first responder's duty is to notify the treating physician or emergency room staff at the facility of the suspected cause of the patient's injury. If the patient is not transported to a health care facility, the first responder shall report the result of the call to the 911 center.

SECTION 2. Tennessee Code Annotated, Section 36-3-621, is amended by deleting the section in its entirety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. L. DeBerry moved the previous question on Amendment No. 3, which motion prevailed.

On motion, Amendment No. 3 was adopted.

Rep. McCormick moved the previous question, which motion prevailed.

Rep. S. Jones moved that **Senate Bill No. 3145**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	77
Noes.....	11
Present and not voting.....	4

Representatives voting aye were: Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Hall, Harmon, Harrison, Hawk, Haynes, Hill, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, McCormick, McDaniel, McDonald, McManus, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pody, Pruitt, Ramsey, Rich, Richardson, Roach, Sanderson,

## MONDAY, APRIL 30, 2012 – EIGHTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION

Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Windle, Madam Speaker Harwell -- 77

Representatives voting no were: Bass, Hardaway, Hensley, Holt, Matheny, Matlock, Miller D, Montgomery, Niceley, Todd, Womick -- 11

Representatives present and not voting were: Alexander, Dean, Powers, Ragan -- 4

A motion to reconsider was tabled.

### JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Gilmore voted "aye" on **Senate Bill No. 3145**.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "aye" to "present and not voting" on **Senate Bill No. 3673** and have this statement entered in the Journal: Rep(s). Powers.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "no" to "present and not voting" on **Senate Bill No. 3145** and have this statement entered in the Journal: Rep(s). Todd.

### REGULAR CALENDAR, CONTINUED

**\*House Bill No. 1054** -- Tobacco, Tobacco Products - As introduced, deletes the requirement that the commissioner of revenue disclose information to the attorney general relevant to enforcement of the Tobacco Manufacturers' Escrow Fund Act of 1999; removes authority for attorney general to disclose such information in the course of litigation. - Amends TCA Title 39; Title 43 and Title 67. by \*McDaniel. (SB1738 by \*Johnson)

On motion, House Bill No. 1054 was made to conform with **Senate Bill No. 1738**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 1738 be passed on third and final consideration.

Rep. Sargent moved that Finance, Ways and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that the House reconsider its action in withdrawing Finance, Ways and Means Committee Amendment No. 1.

Rep. Sargent moved that the motion to withdraw Finance, Ways and Means Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1738 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001(2), is amended by adding the following language at the end of the subdivision:

. "Cigarette" includes any cigarette produced by a cigarette rolling machine at a retail establishment;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001, is amended by adding the following language as new, appropriately designated subdivisions:

( ) "Cigarette rolling machine" means a machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. "Cigarette rolling machine" does not mean any hand-held, manually operated cigarette rolling machine, equipment, or device, if such machine, equipment, or device is held by the retail establishment solely for the sale to consumers for off-premises use in making cigarettes for personal consumption;

( ) "Cigarette rolling machine operator" means a person that purchases or leases for use, or controls, possesses or maintains, a cigarette rolling machine at a retail establishment that enables any person to process at that establishment tobacco or any product that is made or derived from tobacco into a roll or tube. A cigarette rolling machine operator is deemed to be a tobacco distributor for purposes of this part;

( ) "Loose tobacco" means tobacco that is not contained in rolls or tubes and that has been removed from its original packaging;

SECTION 3. Tennessee Code Annotated, Section 67-4-1006(a)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The tax imposed by this part shall be paid by the purchase of stamps from the commissioner of such design or denomination as may be prescribed by the commissioner, except that reconciliation payments of taxes on cigarettes made by cigarette rolling machine operators shall be paid in the time and manner prescribed by § 67-4-1031.

SECTION 4. Tennessee Code Annotated, Section 67-4-1011, is amended by adding the following language as a new, appropriately designated subsection:

( ) A cigarette rolling machine operator must keep records both of tobacco sold for use in the operator's cigarette rolling machine and of any cigarettes made from such tobacco through use of the cigarette rolling machine.

SECTION 5. Tennessee Code Annotated, Section 67-4-1012(a), is amended by adding the following language at the end of the subsection:

Every cigarette rolling machine operator shall permit the commissioner or the commissioner's authorized agent to inspect the operator's cigarette rolling machine at any time.

SECTION 6. Tennessee Code Annotated, Section 67-4-1015(c)(1), is amended by adding the following language as new, appropriately designated subdivision:

( ) Cigarette rolling machine operator — Five hundred dollars (\$500) for each cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by the cigarette machine operator;

SECTION 7. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by adding the following language as a new section:

**67-4-1031. Reconciliation of tax on cigarettes produced by cigarette rolling machines.**

A tax shall be levied on the consumer of cigarettes produced through the use of a cigarette rolling machine at the rate imposed by § 67-4-1004, except that § 67-4-1004(b) shall not apply to such cigarettes. Such tax shall be reduced by the amount of state excise tax paid by the cigarette rolling machine operator pursuant to § 67-4-1005 for the purchase of tobacco products used to produce such cigarettes. A cigarette rolling machine operator shall calculate the amount of tax applicable to the cigarettes produced through the use of a cigarette rolling machine and shall remit such amount to the department with the requisite tax forms.

SECTION 8. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by inserting the following language as new sections:

**67-4-1032. Cigarette rolling machine operators.**

(a) On and after January 1, 2014, no cigarette rolling machine operator shall:

(1) Use, offer for use, or allow to be used in its cigarette rolling machines any tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(2) Possess any loose tobacco other than roll-your-own tobacco that is currently listed on the directory maintained by the commissioner pursuant to § 67-4-2602;

(3) Possess more than sixteen (16) ounces per cigarette rolling machine of loose tobacco of any brand within a directory-approved roll-your-own brand family at any given time; or

(4) Accept or allow the operator's cigarette rolling machine to be used to process cigarettes with tobacco that was not first purchased or obtained from the cigarette rolling machine operator.

(b)

(1) Any cigarette rolling machine purchased or leased for use, or controlled, possessed or maintained by a cigarette rolling machine operator must contain a secure meter that:

(A) Counts the number of cigarettes made, manufactured, or fabricated by the machine; and

(B) Cannot be altered by the cigarette rolling machine operator.

(2) Upon request by the commissioner, a cigarette rolling machine operator shall provide the information contained on the secure meter. The cigarette rolling machine operator shall maintain the information contained on the secure meter for a period of seven (7) years from the date of each transaction.

(c) In addition to or in lieu of any other civil or criminal remedy provided by law:

(1) The commissioner may revoke or suspend a license issued to a cigarette rolling machine operator under this part if the cigarette rolling machine operator has violated this section, or any rule adopted pursuant to this section, as provided by § 67-4-1016 and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(2) For each violation of this section, or any rule adopted pursuant to this section, the commissioner may impose a civil penalty in an amount not to exceed the greater of five hundred percent (500%) of the retail value of the tobacco that is sold, offered for sale, or possessed for sale in violation of this section or five thousand dollars (\$5,000). Such penalty shall be imposed in the manner provided by § 67-4-1015 and in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Any tobacco that has been sold, offered for sale, or possessed for sale by the cigarette rolling machine operator in violation of this section shall be deemed contraband and is subject to seizure and forfeiture by the commissioner as provided in § 67-4-1020 and § 67-4-1021.

(e) In lieu of the reporting requirements contained in § 67-4-2604(a), the commissioner may require, upon request, a cigarette rolling machine operator to submit any additional information as is necessary to enable the commissioner to determine whether a cigarette rolling machine operator is in compliance with this part.

**67-4-1033.**

(a) Prior to January 1, 2014, it is an offense for any person selling, leasing, or otherwise providing for use a cigarette rolling machine to fail to provide notice prior to the sale of the machine to the prospective purchaser, lessor, or user of such machine on a separate, written disclosure form the current status of the federal excise tax rate on tobacco products, including but not limited to pipe tobacco, and that, on and after January 1, 2014, pursuant to the provisions of this act:

(1) The products produced by the machine:

(A) Will be cigarettes for the purposes of title 67, chapter 4, part 10; and

(B) Will be taxed as provided in this act; and

(2) Only tobacco included on the directory established pursuant to § 67-4-2602 will be permitted to be used in such machine.

(b) The department shall require an applicant for a cigarette rolling machine operator license under 67-4-1015(c)(1) to disclose whether the applicant received the notice required by subsection (a).

(c) A violation of subsection (a) is a Class A misdemeanor punishable by a fine only. Each failure to provide notice shall constitute a separate violation.

SECTION 9. This act shall take effect July 1, 2012, the public welfare requiring it, provided, however, that Section 3 and Section 7 shall take effect January 1, 2014, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1738 by adding the following language as a new section immediately preceding the effective date section and by redesignating the effective date section accordingly:

SECTION \_\_. On or before February 1, 2013, the commissioner of revenue shall report to the finance, ways and means committees of the senate and the house of representatives concerning cigarette rolling machine operators in this state. The report shall identify as of August 1, 2012, and January 15, 2013, the number of licensed cigarette rolling machine operators and the number of cigarette rolling machines in this state.

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. M. Turner moved the previous question, which motion prevailed.

Rep. McDaniel moved that **Senate Bill No. 1738**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	68
Noes.....	22
Present and not voting.....	1

Representatives voting aye were: Armstrong, Brooks H, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dennis, Eldridge, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Halford, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Powers, Pruitt, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 68

Representatives voting no were: Alexander, Bass, Brown, Campbell, Dunn, Elam, Evans, Gotto, Hall, Hardaway, Keisling, Kernell, McDonald, Miller D, Montgomery, Niceley, Pody, Ragan, Sparks, Weaver, Williams K, Windle -- 22

Representatives present and not voting were: Butt -- 1

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 3145** and have this statement entered in the Journal: Rep(s). Wirgau.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 839** Rep(s). Hurley as prime sponsor(s).

**House Joint Resolution No. 1155** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 101** Rep(s). White as prime sponsor(s).

**House Bill No. 177** Rep(s). White as prime sponsor(s).

**House Bill No. 369** Rep(s). Dean, Montgomery, Ford, Womick, Holt, Marsh and Floyd as prime sponsor(s).

**House Bill No. 1788** Rep(s). Lollar, Ragan, Eldridge, Powers, Matheny, Hall, Faison and McCormick as prime sponsor(s).

**House Bill No. 2315** Rep(s). Shepard as prime sponsor(s).

**House Bill No. 2551** Rep(s). R. Williams and Sexton as prime sponsor(s).

**House Bill No. 2808** Rep(s). Rich as prime sponsor(s).

**House Bill No. 2840** Rep(s). Maggart as prime sponsor(s).

**House Bill No. 2868** Rep(s). McCormick, Sargent, Carr, Womick, M. Turner, Curtiss, Floyd, Fitzhugh, Lundberg, J. DeBerry and McManus as prime sponsor(s).

**House Bill No. 2905** Rep(s). Elam as prime sponsor(s).

**House Bill No. 3213** Rep(s). C. Johnson and Shepard as prime sponsor(s).

**House Bill No. 3769** Rep(s). McCormick as prime sponsor(s).

**House Bill No. 3832** Rep(s). Ramsey and Swann as prime sponsor(s).

#### **SPONSORS REMOVED**

On motion, Rep(s). Evans was/were removed as sponsor(s) of **House Bill No. 210**.

On motion, Rep(s). K. Williams was/were removed as sponsor(s) of **House Bill No. 369**.

On motion, Rep(s). Evans was/were removed as sponsor(s) of **House Bill No. 856**.

On motion, Rep(s). Evans was/were removed as sponsor(s) of **House Bill No. 1802**.

On motion, Rep(s). Evans was/were removed as sponsor(s) of **House Bill No. 1839**.

On motion, Rep(s). Evans was/were removed as sponsor(s) of **House Bill No. 2218**.

On motion, Rep(s). Evans was/were removed as sponsor(s) of **House Bill No. 2943**.

#### **MESSAGE FROM THE SENATE April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 623, 713, 744, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

#### **MESSAGE FROM THE SENATE April 30, 2012**

5855

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.



MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 599, 667, 734, 742, 743, 844, 890, 933, 936, 988, 989, 990, 991, 992, 993, 994, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1062, 1063, 1064, 1065 and 1066; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 30, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 552, 762, 892, 905, 907, 914 and 919; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED**  
**April 30, 2012**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 552, 762, 892, 905, 907, 914 and 919.

**ENROLLED BILLS**  
**April 30, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 301, 302, 303 and 304; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED**  
**April 30, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 301, 302, 303 and 304.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK**  
**April 30, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 623, 713, 744, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140; for his action.

5856

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BETTY KAY FRANCIS, Chief Engrossing Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
April 30, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 599, 667, 734, 742, 743, 844, 890, 933, 936, 988, 989, 990, 991, 992, 993, 994, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1062, 1063, 1064, 1065, 1066, 1039, 1040 and 1041; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS  
April 30, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 3874; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED  
April 30, 2012**

The Speaker announced that she had signed the following: House Bill(s) No(s). 3874.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3874; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**REPORT OF CHIEF ENGROSSING CLERK  
April 30, 2012**

**MONDAY, APRIL 30, 2012 – EIGHTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 3874; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS  
April 30, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 182, 1376, 1572, 2278, 2387, 2389, 2506, 2513, 2548, 2812, 2566, 2641, 2776, 2844, 2854, 2962, 3051, 3062, 3093, 3270, 3276, 3365, 3373, 3381, 3429, 3517, 3727, 3808, 3858, 3867, 3870 and 3875; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2383, 3119, 3208, 3659, 3837 and 3851; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1105 The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3223; and Senate Joint Resolution(s) No(s). 710; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 30, 2012**

**MONDAY, APRIL 30, 2012 – EIGHTY-THIRD LEGISLATIVE DAY UNOFFICIAL VERSION**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3813; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 3813** -- Oliver Springs - As introduced, subject to local approval, moves the date of the city election to coincide with the November general election; extends the four-year terms of office of the mayor and councilmen elected at the regular city election held in June 2009 and the councilmen elected at the regular city election held in June 2011 to expire on the first Thursday in November in 2013 and 2015 respectively. - Amends Chapter 247 of the Acts of 1905; as amended and rewritten. by \*Yager. (HB3883 by \*Hurley)

**MESSAGE FROM THE SENATE**  
**April 30, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2777; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 2777** -- Taxes, Inheritance Gift - As introduced, eliminates the gift tax in 2013 and thereafter. - Amends TCA Title 67, Chapter 8, Part 6; Title 67, Chapter 8, Part 1 and Title 67, Chapter 8, Part 4. by \*McNally, \*Ketron, \*Kelsey, \*Beavers, \*Bell, \*Campfield, \*Crowe, \*Faulk, \*Gresham, \*Johnson, \*Massey, \*Overbey, \*Ramsey, \*Roberts, \*Southerland, \*Summerville, \*Yager, \*Norris. (\*HB2840 by \*Sargent, \*Harwell, \*Weaver, \*Williams R, \*Niceley, \*Johnson C, \*Elam, \*Brooks K, \*McDaniel, \*Hurley, \*Halford, \*Brooks H, \*Dunn, \*Holt, \*Hawk, \*Wirgau, \*Eldridge, \*Montgomery, \*Powers, \*Haynes, \*Shipley, \*Dean, \*Hall, \*Williams K, \*Campbell, \*Keisling, \*Cobb, \*White, \*Ford, \*Matlock, \*Dennis, \*Butt, \*Marsh, \*Sexton, \*Johnson P, \*Gotto, \*Sanderson, \*Hill, \*McManus, \*Lundberg, \*Casada, \*Alexander, \*Evans, \*Carr)

**MESSAGE FROM THE SENATE**  
**April 30, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3005; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 3005** -- Criminal Offenses - As introduced, includes the commission of or attempt to commit a criminal gang offense within the definition of racketeering activity and enterprise for purposes of the Racketeer and Corrupt Organization Act (RICO). - Amends TCA Title 39, Chapter 12, Part 2. by \*Watson, \*Burks, \*Faulk, \*Ketron, \*Massey, \*McNally, \*Norris, \*Overbey, \*Tate. (\*HB2868 by \*Dean)

**ENGROSSED BILLS**  
**April 30, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 3671, 3884, 3886 and 3887.

5859

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED**  
**April 30, 2012**

The Speaker announced that she had signed the following: Senate Bill(s) No(s). 3223. and Senate Joint Resolution(s) No(s). 710.

**MESSAGE FROM THE SENATE**  
**April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 807 and 1154; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 30, 2012**

MADAM SPEAKER: I am directed to transmit to the House, House Bill(s) No(s). 3459; The Senate lifted from the table the motion to reconsider House Bill(s) No(s). 3459. The Senate moved to reconsider House Bill(s) No(s). 3459. The Senate adopted Amendment(s) No(s). 3. The Senate then passed House Bill(s) No(s). 3459, as amended.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 30, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3884, 3886 and 3887; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS**  
**April 30, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1093 and 1142.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS**  
**April 30, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 810, 870, 947, 960, 965, 980, 5860

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

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1001, 1017, 1055, 1109, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180 and 1181.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED  
April 30, 2012**

The Speaker announced that she had signed the following: House Bill(s) No(s). 182, 1376, 1572, 2278, 2387, 2389, 2506, 2513, 2548, 2566, 2641, 2776, 2812, 2844, 2854, 2962, 3051, 3062, 3093, 3270, 3276, 3365, 3373, 3381, 3429, 3517, 3727, 3808, 3858, 3867, 3870 and 3875.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
April 30, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3520; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Bill No. 3520** --Criminal Procedure - As introduced, allows nonviolent offenders who have completed all requirements of their sentence and have no violent convictions to petition the court for expungement of their criminal records every two years. - Amends TCA Title 40, Chapter 32. by \*Tate, \*Marrero, \*Kyle, \*Harper, \*Ford. (\*HB 2865 by \*Camper, \*Gilmore, \*Faison, \*Powers, \*Dennis, \*Ford, \*Stewart, \*Sontany, \*Hardaway, \*Armstrong, \*Floyd, \*Shaw, \*Turner M, \*Moore, \*Tidwell, \*Parkinson, \*Miller L, \*Richardson, \*Shepard, \*Curtiss, \*Turner J, \*Towns, \*Matheny, \*Hawk, \*Naifeh, \*Kernell, \*Odom, \*Pruitt, \*Sparks, \*Coley, \*Brown, \*Favors, \*Jones S, \*DeBerry L, \*Pitts, \*McDonald, \*Fitzhugh, \*Eldridge, \*Cooper B)

**RECESS MOTION**

On motion of Rep. McCormick, seconded by Rep. Fitzhugh, the House stood in recess until 8:00 a.m., Tuesday, May 1, 2012.